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Makkos Daf 24

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **David’s Torah Principles**

Rabbi Simlai expounded: Six hundred and thirteen commandments were said to Moshe: three hundred and sixty-five negative precepts, corresponding to the number of days in the solar year, and two hundred and forty-eight positive precepts, corresponding to the number of the parts of a person’s body.

Rav Hamnuna said: What is the verse for this? It is from the verse: *Moshe commanded us the Torah as a heritage.* ‘Torah,’ in numerical value, is six hundred and eleven. If we add the first two commandments, *I am Hashem your God,* and *You shall have no other gods,* which were heard directly from Hashem, we have six hundred and thirteen.

[Mnemonic: DamShMaK SaK] David came and established eleven Torah principals. This is as the verse states: *A song to David. Hashem, who will live in Your tent, (and) who will dwell on Your holy mountain? One who goes purely, does righteous deeds, and speaks the truth in his heart. He does not want to speak forbidden words, he does not do evil to his friend, and he does not bear the embarrassment of his relative. Degraded in his eyes are those who cause Hashem to be disgusted with them, he honors those who fear Hashem, and (even when) he swears to harm himself (i.e. fast) he will not violate his oath. He does not lend with interest, he will not even take bribes from an innocent man. People who do these things will never falter.*

*One who goes purely* refers to someone like Avraham Avinu. This is as the verse says: *Go before Me and be pure.*

*One who does righteous deeds* refers to someone like Abba Chilkiyahu. [Two Torah scholars came to him (in order that he should pray for rain) in the fields and found him working there. They greeted him, but he did not return the greeting. This was because he had hired himself out for the day and his time was not his own, and he did not wish to waste any of his employer’s time.]

*One who speaks truth in his heart* refers to someone like Rav Safra. [Rivan explains that Rav Safra had an item for sale. A person approached him and asked to buy it from him for a certain price, but he did not respond because he was saying *Kerias Shema*, although he agreed to the price in his heart. The person offered a higher price, thinking Rav Safra wanted more money. After he finished davening, Rav Safra said that he will sell it for the first price, as he agreed in his heart to this price originally.]

*He does not want to speak forbidden words* refers to someone like Yaakov Avinu. This is as the verse says: *Perhaps my father will feel me, and I will be in his eyes like someone who is trying to fool him.*

*He does not do evil to his friend* refers to not opening a business similar to another person’s business (in a way where it seems it will take away some of his livelihood, even if it is not forbidden to do so).

*He does not bear the embarrassment of his relative* refers to people who bring their relatives closer to Judaism (and they



thereby establish a good relationship with them; see Maharsha).

*Degraded in his eyes are those who cause Hashem to be disgusted with them* refers to someone like King Chizkiyahu who dragged his father's dead body on a bed of ropes (throughout the streets).

*He honors those who fear Hashem* refers to someone like King Yehoshafat of Yehudah, who upon seeing a Torah scholar, would get up from his chair and kiss him, hug him, and call him, "Teacher, teacher! Master, master!"

*And (even when) he swears to harm himself (i.e. fast) he will not violate his oath* refers to someone like Rabbi Yochanan. Rabbi Yochanan commonly said: I (swear that I) am fasting until I will come home. [Although the vow did not take effect yet, he still kept to his word.]

*He did not lend him money with interest* refers to not even lending with interest to gentiles.

*He will not even take bribes from an innocent man* refers to someone like Rabbi Yishmael the son of Rabbi Yosi (who did not accept his sharecropper's early delivery of fruits when he found out he was going to appear before him as a litigant).

The verse says: *One who does this will never falter*. When Rabban Gamliel would reach this verse, he would cry. He would say: Only someone who does all of these things will not falter, implying that a person who does one of these, will falter! They answered him: Does it say, "One who does all of this?" It only says, *one who does this*, implying even one of these things. If you do not say this, there is another verse that states: *Do not become impure with all of these (regarding becoming impure if one touches one of many types of crawling animals)*. Do we think this means one must touch all of the eight animals listed in the verse to become impure, but he does not become impure if he only

touches one of them? Of course he becomes impure if he even touches one. Here, as well, it means one of these things. (23b – 24a)

### **Yeshaya's Torah Principles**

Yeshaya came and established six Torah principals. The verse states: *He walks in righteousness, talks straight, he is disgusted by bribery and cheating, he waves his hands away from supporting bribes, he closes his ears from hearing anything about this, and he closes his eyes in order not to see evil*.

*He walks in righteousness* refers to someone like Avraham, regarding whom the verse says: *For I know that he will command etc*.

*He talks straight* refers to someone who does not insult his friend publicly.

*He is disgusted by bribery and cheating* refers to someone like Rabbi Yishmael ben Elisha (who did not accept the Kohanic gifts from someone who commonly gave to a different Kohen).

*He waves his hands away from supporting bribes*, refers to Rabbi Yishmael the son of Rabbi Yosi.

*He closes his ears from hearing anything about this* refers to a person who does not listen to the belittling of a Torah scholar and remain quiet, like Rabbi Elozar the son of Rabbi Shimon (see Bava Metzia 84b where it relates that one time that he heard a Torah scholar being disgraced, and he didn't protest sufficiently; he was punished severely for this because it was his usual practice to protest such conduct, and this time, he refrained from doing so).

*And he closes his eyes in order not to see evil* refers to someone like Rabbi Chiya bar Abba. This is as Rabbi Chiya bar Abba says: This verse refers to someone who does not



gaze at women when they are hanging up laundry (*and momentarily reveal parts of their body that are normally covered*). The verse says about someone who does these things: *And he will dwell on high.* (24a)

### **Michah's Torah Principles**

Michah came and established three Torah principals. This is as the verse says: *A person will tell you what is good and what does Hashem want from you besides for doing justice, loving kindness, and walking modestly with Hashem your G0d. Doing justice* refers to judgment. *Loving kindness* refers to acts of kindness. *Walking modestly* refers to escorting the dead and escorting a bride to her *chupah*. This may be derived through a *kal vachomer*. If things that are not normally done discreetly (*weddings and funerals*) are described as being done discreetly, things that are usually performed discreetly (*giving charity*) must certainly be done discreetly! (24a)

### **Yeshaya's Torah Principles (Revised)**

Yeshaya again came and established two Torah principals. This is as the verse says: *So says Hashem, guard justice and do charity.* (24a)

### **The Torah Principle of Amos**

Amos came and established one Torah principal. This is as the verse says: *So says Hashem to the house of Israel, seek me out and live.*

Rav Nachman bar Yitzchak asked: Perhaps this means that he should be sought out in the entire Torah?

Rather, Chavakuk came and established a Torah principle. *And a righteous person will live through his faith.* (24a)

### **Annuling Decrees**

Rabbi Yosi the son of Rabbi Chanina says: Moshe Rabbeinu declared four decrees on *Bnei Yisroel*, which the prophets came and nullified. Moshe said: *And Israel dwelled alone and securely in the eye of Jacob.* Amos nullified that, as the verse says: *Stop, for who can be like Jacob.* And the verse says: *Hashem regretted this.* Moshe said: *and within the gentiles they will not have peace.* Yirmiyah came and said: *He came to make Israel peaceful.* Moshe said: *He counts the sins of the fathers on the sons.* Yechezkel came and nullified this, as the verse says: *The sinning soul should die.* Moshe said: *And you will be lost among the nations.* Yeshaya came and said: *And it will be on that day He will blow a great Shofar etc.*

Rav said: I am scared of this verse: *And you will be lost among the nations.* Rav Pappa asked him: Perhaps this means they will be like a lost object that is sought after? This is as the verse says: *I was lost like a lost sheep, seek out Your servant!*

Rather, Rav was scared due to the second half of the verse: *And the land of your enemies will consume you.*

Mar Zutra asked: Perhaps this means like the eating of gourds and pumpkins (*where some are eaten and some are not*)?

Rabban Gamliel, Rabbi Elozar ben Azaryah, Rabbi Yehoshua, and Rabbi Akiva were going on the road. They heard the voice of a large number of Romans emanating from a large building that was one hundred twenty *mil* away. They started crying, while Rabbi Akiva started laughing. They asked him: Why are you laughing? He asked them: Why are you crying? They replied: These are evil people who are bowing down to sculptures and offering sacrifices to idolatry, and they are sitting securely and quietly in their land. In contrast, the footstool (*i.e. house*) of Hashem our God was burned in fire, and we should not cry?!



## INSIGHTS TO THE DAF

Rabbi Akiva responded: This is exactly why I am laughing. If He does good things for those who go against His will, certainly He will do great things for those who fulfill his will!

Another time when these four sages were together, they walked to Yerushalayim. When they got to Mount Scopus, they tore their clothes. When they reached the Temple Mount, they saw a fox coming out of the area of the Holy of Holies, and they started crying while Rabbi Akiva started laughing. They asked him: Why are you laughing? He asked them: Why are you crying? They replied: The place regarding which the verse says: *A stranger who will come close will be put to death* has foxes living there, and we should not cry?! He said: This is exactly why I am laughing. The verse says: *And I will have testify for me reliable witnesses, Uryah Ha’Kohen and Zecharya ben Yevarecheyahu*. What does Uryah have to do with Zecharya? Uryah lived in the time of the First Temple, while Zecharya lived in the time of the Second Temple. Rather, the verse is saying that the prophecy of Zecharya is dependent on the prophecy of Uryah. Regarding Uryah the verse says: *Therefore because of you Tzion will be plowed over*. However, Zecharya said: *There will once again be a time where old men and women will sit in the streets of Yerushalayim*. Until Uryah’s prophecy came true, I was unsure whether or not Zecharya’s prophecy would come true. Now that Uryah’s prophecy has come true, certainly Zecharya’s prophecy will come true. They told Rabbi Akiva: Akiva, you have comforted us! Akiva, you have comforted us! (24a – 24b)

WE SHALL RETURN TO YOU,  
EILU HEIN HALOKIN

AND TRACTATE MAKKOS IS CONCLUDED

### ***Tearing clothes over the destruction of Yerushalayim and the Temple***

Our *Gemora* describes the great sorrow of Rabban Gamliel, Rabbi Elozar ben Azaryah, Rabbi Yehoshua and Rabbi Akiva who, on approaching Mount Scopus on their way to Yerushalayim, tore their clothes because of the destruction of the holy city and the Temple. Many paragraphs in *Shulchan ‘Aruch* discuss the timing of the obligation, the type of tear and if women and minors must do so, etc., when they see the cities of Judea, Yerushalayim and the Temple in their desolation. In this section we shall focus on two issues: if the obligation is applicable today and its application to Jerusalemites.

Tearing one’s garment when seeing Yerushalayim and the Temple in their destruction stems from the *Gemora* in Moed Katan 26a: “As soon as he reaches Mount Scopus, he should tear.” In other words, someone who sees the site of the Temple from afar must tear his garment. The *halachah* has been ruled accordingly (Rambam, *Hilchos Eivel*, 9:2, and *Tur Shulchan ‘Aruch*, O.C. 561), that someone who sees Yerushalayim or the site of the Temple must rend his garment if he has not seen them in the past 30 days.

(Some have asserted that the rending is intended to arouse people to feel sorrow for the Temple’s destruction [see *Ir HaKodesh Vehamikdash*, III, 17:1:4]. Nonetheless, HaGaon Rav Moshe Feinstein [Responsa *Igros Moshe*, O.C., V, 37] remarks that we should not seek reasons for *halachos* learned from the Tanach. It is obvious that if the rending is meant to arouse sorrow, one should not tear one’s garment on Friday afternoon to avoid sorrow on *Shabbos*. Still, if some have the custom not to tear their garments on Friday afternoon, we can also explain their custom without this reason as tearing arouses sorrow even if it is not meant for such and one should not begin *Shabbos* in sorrow. See *ibid* and *Eretz Yisrael*, 22:11).



Till the end of the British mandate one could see people viewing the site of the Temple in wonder and pain and tearing their clothes. In recent decades the custom has become somewhat neglected and *halachic* authorities have been asked to discuss it. We shall first discuss the obligation to rend one's clothes upon seeing Yerushalayim, a requirement in itself.

Rav Feinstein (Responsa *Igros Moshe*, O.C. IV, 70) asserts that the sight of Yerushalayim no longer obligates tearing as the city has been built up and because foreign nations no longer rule it. He mentions that the obligation remains for those parts of the country still ruled by foreigners. Still, HaGaon Rav S.Z. Auerbach zt"l wrote in his *Minchas Shlomo* (I, 73) that a regime is considered authentic only if its leaders can do as they wish. The *halachah* is (Rambam, *Hilchos 'Avodas Kochavim*, 7:1) that "it is a positive commandment to destroy idolatry...and in Eretz Israel it is a mitzvah to pursue it till we eradicate it from the whole of our land." The present regime cannot destroy sites of idolatry and therefore there is an obligation to tear one's garment also for Yerushalayim.

#### DAILY MASHAL

##### ***Must Jerusalemites tear their clothes?***

The obligation to rend one's garment upon seeing Yerushalayim and the site of the Temple is agreed upon by all *poskim* but they disagree about resident Jerusalemites (we shall not discuss the question as to who is considered a resident of Yerushalayim). According to Radvaz (Responsa, 646), and the Chida (*Birkei Yosef*, 661), a Jerusalemite is also obligated if he has not seen the Western Wall for 30 days. *Eliyah Rabah* (661, S.K. 8) disagrees and believes that a Jerusalemite is obligated only if he is absent from Yerushalayim for 30 days. Responsa *Divrei Yatziv* (89) writes that the leading authorities of Yerushalayim ruled according to *Eliyah Rabah* because of the Jerusalemites' poverty: if

they had to tear their garments whenever seeing the Western Wall after 30 days, they would remain without clothing.

HaGaon Rav Y.S. Elyashiv rules that Jerusalemites are also obligated to rend their garments. He takes care to go on the roof of the Breslav Yeshivah near his home to view the site of the Temple from time to time to avoid a lapse of 30 days. His grandson, Rav A.Z., adds that when his grandfather was asked that one could only see the dome of the mosque built on the site from that position, he replied that there could be no greater view of destruction than seeing a mosque on the site of our holy Temple (see further discussion in Rav M. Tikotchinski's *Eretz Yisrael*, 22; *Peas HaShulchan*, 3; *Orchos Rabeinu*, II, p. 149; *Nit'ei Gavriel*, Ch. 100).