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Daf Notes is currently being dedicated to the neshamot of

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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

Closed or Opened

Rabbi Chelbo said that he saw Rav Huna wrap the *mezuzah* parchment from the end of the lines towards their start, and make the paragraphs closed, i.e., without starting a new line. [The meaning of “closed” is that the last words of a paragraph and the first words of the next paragraph would be written on the same line – with a gap of space in the middle. An “opened” paragraph means that the first words from the new paragraph would begin on a new line.]

The *Gemora* challenges this from a *braisa*, in which Rabbi Shimon ben Elozar says that Rabbi Meir would write a *mezuzah* on a piece of *duchsustis* (parchment whose upper hide was removed), and which was like a column (long and narrow, and not wide and short). He would leave a space above and below the text, and he made the paragraphs open (i.e., the second paragraph would begin on a new line). When he asked Rabbi Meir why he did this, he said that since they are not adjacent in the Torah, their paragraphs are fully separated in the *mezuzah*. And Rav Chananel quoted Rav ruling like Rabbi Shimon ben Elozar, whose layout of the paragraphs contradicts Rabbi Chelbo’s version of Rav Huna’s position.

The *Gemora* deflects this, saying that Rav ruled like Rabbi Shimon ben Elozar only in regard to the spacing above and below, but not in regard to the paragraph layout.

The *Gemora* says that this space above and below is the size of a split piece of wood, used to hold the pages in place (so they would not curl during the writing process).

Abaye asked Rav Yosef: And you do not hold that Rav was ruling regarding the space (*on top and on bottom*)? But doesn’t Rav usually rely upon the custom of people, and the general custom is to write the sections closed? [So he could not have meant that the ruling is like Rabbi Shimon ben Elozar that the paragraphs should be opened!?] For Rabbah stated in the name of Rav Kahana who said in the name of Rav: If Eliyahu the Prophet should come and declare that *chalitzah* (when a man dies childless, his brother has a mitzvah to perform *yibum*; if he declines, she submits to *chalitzah*, i.e. she removes his shoe, spits before him and declares that he does not want to marry her) may be performed with a shoe (made from soft leather and it covers the foot from all sides; it is made from many straps of leather) he would be obeyed; were he, however, to declare that *chalitzah* may not be performed with a sandal (made from hard leather and it covers the foot only from the bottom; it is made from one piece of leather) he would not be obeyed, for the people have long ago adopted the practice of performing it with a sandal. Rav Yosef, however, reported in the name of Rav Kahana in the name of Rav: If Eliyahu the Prophet should come and declare that *chalitzah* may not be performed with a shoe, he would be obeyed; were he, however, to declare that *chalitzah* may not be performed with a sandal, he would not be obeyed, for the people have long ago adopted the practice of performing it with a sandal.

The *Gemora* asks: What is the practical difference between them?

The *Gemora* answers: The practical difference between them is the allowance of using a shoe initially (*according to*



Rabbah, it would be improper to use a shoe; its use would be permitted only if Eliyahu came and declared it to be permissible. According to Rav Yosef however, its use is and remains permitted unless Eliyahu should come and declare it to be inadmissible. [Now since the custom is to make the paragraphs closed, he could not have ruled that they should be opened.]

We must therefore say that Rav's ruling was regarding the leaving of the space (*on top and on bottom*); this indeed proves it.

Rav Nachman bar Yitzchak said: It is preferable to write the paragraphs closed, nevertheless, if it was written open, it is valid; and when Rabbi Shimon ben Elozar said that the paragraphs are opened, he meant that it may also be opened.

Shall we say that the following *braisa* supports his view? For it was taught: Similarly, if a Torah scroll or *tefillin* had worn out, one may not make from them a *mezuzah*, for one may not lower something that is a higher sanctity to a lower sanctity. Now, we may deduce that if it were permitted to lower to a lower sanctity, one would be allowed (*to make a mezuzah from a Torah scroll or tefillin*); but how is this possible? Here (*by a torah scroll*) the paragraphs are closed, but there they are opened!?! [This proves that a *mezuzah* is closed as well.]

The *Gemora* deflects the proof, for perhaps it would have been permitted only to complete a *mezuzah* (*if it was missing that line*).

The *Gemora* asks: And if it were permitted to lower that which is of a higher sanctity to a lower sanctity, you would be allowed to make a *mezuzah* out of *tefillin*; but it has been taught in a *braisa*: It is a *halachah l'Moshe mi'Sinai* (*a law handed to Moshe at Sinai*) that the passages written in the *tefillin* must be written on *kelaf* (*parchment*), and a *mezuzah* must be written on *duchsustis*. *Kelaf* is the side which is closer to the meat, and *duchsustis* is the side closer to the hair! [So

how can one make a mezuzah from tefillin?]

The *Gemora* answers: This (*halachah l'Moshe mi'Sinai*) is only a recommendation (*for the preferred method*).

The *Gemora* asks: But it was taught in a *braisa* that if one deviated in this or in this, it is invalid!?

The *Gemora* answers: The two cases of the *braisa* refer to *tefillin* only; in one case he wrote the passages on *kelaf*, but on the part closest to the hair, and in the other case he wrote them on *duchsustis*, but on the part closest to the flesh. [The *braisa* teaches us that it is invalid in both cases; but a *mezuzah*, however, would be valid even if it was written on *parchment*.]

Alternatively, I can answer that the validity of a *mezuzah* (*written on kelaf*) is a matter of a *Tannaic* dispute.

The *Gemora* asks: And if it were permitted to lower that which is of a higher sanctity to a lower sanctity, you would be allowed to make a *mezuzah* out of *tefillin*; but a *mezuzah* must be written with *sirtut* – scored lines (*a horizontal etching on every single line*), for Rav Manyumi bar Chilkiyah said in the name of Rav Chama bar Gorya who said in the name of Rav that a *mezuzah* that is not written on scored lines is invalid. And furthermore, Rav Manyumi bar Chilkiyah himself said that the rule requiring a *mezuzah's* lines to be scored is a *halachah l'Moshe mi'Sinai*!?! [So how can a *mezuzah* be made from *tefillin*, which does not have a requirement to be scored?]

The *Gemora* answers: The requirement to score a *mezuzah* is a matter of a *Tannaic* dispute, for it was taught in a *braisa*: Rabbi Yirmiyah said in the name of Rabbeinu that *tefillin* and *mezuzos* may be written without copying from a text and they do not require scored lines on the parchment. The *Gemora* concludes that while it's true that *tefillin* do not require scored lines, *mezuzos* do. They both may be written



without copying from a text because their content is fluent to all. (32a – 32b)

Torah Scroll on a Bed

Rav Chelbo said: I once observed when Rav Huna wanted to sit down on a bed on which a Torah scroll was lying, and he turned over a pitcher on the ground, placing the Torah scroll on it, and only then did he sit down.

It seems that he was of the opinion that it is forbidden to sit on a bed upon which lay a Torah scroll. This is disputed by Rabbah bar bar Chanah, who said in the name of Rabbi Yochanan that it is permitted to sit upon a bed where a Torah scroll was lying. And if someone should whisper into your ear (*seeking to contradict your ruling*) and say that it was related that Rabbi Elozar, once while sitting on his bed, remembered that a Torah scroll was laying on it, whereupon he slipped off and sat upon the ground, and it appeared as though he had been bitten by a snake; answer him that there the Torah scroll was actually lying upon the ground (*and that is what troubled him so*). (32b)

INSIGHTS TO THE DAF

Which Surgeon should he Use?

It was taught in a *braisa*: Rabbi Yirmiyah said in the name of Rabbeinu that *tefillin* and *mezuzos* may be written without copying from a text and they do not require scored lines on the parchment. The *Gemora* concludes that while it's true that *tefillin* do not require scored lines, *mezuzos* do. They both may be written without copying from a text because their content is fluent to all.

The *Gemora* in Meggilah (18b) discusses whether one who knows the Torah by heart would be permitted to write a Scripture scroll without copying from a text. The *Gemora* states that Rabbi Meir was permitted to write a Megillah from memory because he knew the words fluently by heart.

Reb Elyashiv, cited by Chishukei Chemed ruled on the following inquiry and he derived his ruling from our *Gemora*.

A person residing in *Eretz Yisroel* developed a heart issue and he was required to undergo a risky heart surgery. The local doctors said that they do not perform this type of surgery frequently, but they are ninety-five percent confident that the surgery will be a success. There is an expert surgeon outside of *Eretz Yisroel* who performs this surgery daily and he said that if he would perform the surgery, he would be successful ninety-five percent of the time.

Should this individual travel outside of *Eretz Yisroel* to have the surgery performed by the expert surgeon? Reb Elyashiv ruled that he should go because that doctor is more accustomed in performing this type of surgery.

The *Gemora* in Taanis 15a states regarding a communal fast: They would send a chazzan to lead the prayer who was an elder and fluent in the prayers. Rashi explains: One who is fluent in his prayers will not make a mistake.

Our *Gemora* states that one who is fluent in the words of the Torah will not make a mistake when he is writing the Torah without copying from a text.

This is why it would be preferable to travel to the doctor outside of *Eretz Yisroel* even though the percentage of success is the same. Someone who is more accustomed to performing this type of surgery will not make a mistake.

A Sefer Torah that Fell

Our *Gemora* recounts that Rabbi Elozar once sat on a bed and remembered that a *sefer Torah* was on it. He slid off and sat on the ground and seemed as though bitten by a snake. In this article we shall address the custom to fast if G-d forbid a *sefer Torah* or *tefillin* fall on the floor (see *Magen Avraham*, O.C. 44, S.K. 5).

A fast for the disregard of holy objects: The Chida, who relates to this custom in his Responsa *Chayim Shaal* (12), emphasizes that the custom is not mentioned in the Talmud or by the *Rishonim*. "However, it is the custom to fast even if one's *tefillin* fall, and certainly for a *sefer Torah*." In his opinion, the reason for the custom is that a person should fast for his disregard for them while he held them. Therefore he ruled that those present when a *sefer Torah* fell do not have to fast as they did not cause the desecration. Still, sometimes *rabanim* ruled a fast for the whole congregation to arouse the obligation to observe the honor of a *sefer Torah*.

The difference between *tefillin* that fall and a *sefer Torah* that falls: Responsa *Yad Eli'ezer* (126) writes that the reason for the fast is that we should regard the fall as a sign from Heaven calling for introspect and repentance. According to him, only a person whose *tefillin* fell fasts alone but the matter is different concerning a *sefer Torah* that fell, which obligates the whole congregation to fast as a *sefer Torah* belongs to the community and its fall is a sign to arouse them all (see *Moznayim Lemishpat* by HaGaon Rav Z. Sorotzkin zt"l, §5). The author of *Chazon Nachum* (86) adds that the fast for a *sefer Torah* that fell is an expression of the pain one should feel for its desecration (about his worry for holy objects, which cost him his life, see the Pearls). On the other hand, many *poskim* wrote that the congregation does not have to fast and that this doesn't have the halachah of a custom as it is not a frequent event and how can we say that the custom was one way or another about a rare event? (*Zecher Yehosef*, O.C. 31).

Some *poskim* ruled (Responsa *Maharshag*, Y.D. 53; Responsa *Riva*, 27) that those present when a *sefer Torah* fell should redeem their fast with charity (see Responsa *Tzitz Eli'ezer*, V, 1, Ch. 3).

DAILY MASHAL

Worry for Holy Objects

The author of *Chazon Nachum* zt"l, the brother of the Tchebiner Gaon zt"l, printed his *sefer* two weeks before the start of the Second World War. Before the books were bound, the Nazis *ym"sh* invaded Poland and he wanted to flee the country. At the border, the Nazis removed his *tefillin* from their covers and threw them on the ground. He immediately lifted them fervently and kissed them but the Nazis again threw them down. He fainted from anguish and passed away (see his biography in the preface to his book). *Betzilo Chimadti* recounts that when the Tchebiner Gaon was asked about his brother's opinion, that *tefillin* should not be brought to a person ill with a contagious disease lest the hospital staff burn them, he mentioned the above event and said that once we comprehend his intense trepidation for *tefillin*, we can well understand why he ruled so.

GLOSSARY

Pesuchos – opened – the first words from the new paragraph would begin on a new line

Setumos – closed – the last words from a paragraph end on the beginning of a line; there is then a gap of empty space and then the first words from the new paragraph would begin on the end of that line

Duchsustis - parchment whose upper hide was removed

Kelaf – parchment

Chalitzah – when a man dies childless, his brother has a mitzvah to perform yibum; if he declines, she submits to chalitzah, i.e. she removes his shoe, spits before him and declares that he does not want to marry her

Halachah l'Moshe mi'Sinai – a law handed to Moshe at Sinai

Sirtut – scored lines; a horizontal etching on every single line