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Chagigah Daf 10

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The Mishna states: The laws concerning the release from vows float in the air and they do not have Scriptural support (*there are methods for annulling a vow, however, their actual source cannot be found in Scripture, and rather it is an oral tradition*).

The laws of Shabbos, Chagigah and me'ilah (*illegal or improper use of consecrated objects*) are like mountains hanging on a hair, for they have few Scriptural allusions, but many halachos.

Monetary law, the laws regarding sacrificial offerings, the laws of purity and contamination and the laws concerning illicit relations all have Scriptural support and are regarded as fundamentals of the Torah. (10a)

The Gemora cites several Scriptural sources from Tannaim and Amoraim for the concept regarding the release of vows.

Rabbi Eliezer (in a *braisa*) states: They are based upon a Scriptural source. For it is written: *If a man shall clearly utter* (written by *erech-vows*) and it is written: *If a man shall clearly utter* (written by *nezirus*). One verse teaches us that a clear declaration is needed to pronounce a vow and the other verse teaches us that his clear declaration of

his vow (*in the presence of a sage*) can release him from his vow.

Rabbi Yehoshua says: They are based upon a Scriptural source. For it is written: *Therefore I have sworn in my wrath*. This means: I have sworn in my wrath, and therefore, I may retract.

Rabbi Yitzchak cites a source: It is written [Shmos 35:5]: *All who had a willing heart brought. (This verse implies that only one who vowed to donate and whose heart remained willing would still be obligated to donate for the construction of the Tabernacle; otherwise, his vow would not be binding.)*

Chananiah, the son of the brother of Rabbi Yehoshua said: They are based upon a Scriptural source. It is written: *I have sworn, and I will fulfill, to keep your righteous laws*.

Rav Yehudah said in the name of Shmuel: If I had been there, I would have cited a superior source: It is written [Bamidbar 30:3]: *He shall not profane his word*. It can be inferred that the one who made the vow cannot profane his vow, but others can annul the vow for him.

Rava analyzes the sources and reveals the flaw in each one. Rava said: To all the above sayings I have



objections, except to Shmuel, to whom it cannot be objected.

Rava said: I have an objection for Rabbi Eliezer's source: Perhaps the verse is coming to teach that which Rabbi Yehudah said in the name of Rabbi Tarfon; for it was taught in a braisa: Rabbi Yehudah said in the name of Rabbi Tarfon: (*A person said, "I am a nazir if that man is So-and-so," and another person said, "I am a nazir if that man is not so-and-so"*) Neither of them is a *nazir*, for *nezirus* can only take effect when there is a clear expression (*without any doubt; even if later we find out that the condition was met*).

Rava continued: I have an objection for Rabbi Yehoshua's source: Perhaps the verse simply means as follows: *I have sworn in My wrath, and I did not retract?*

Rava continued: I have an objection for Rabbi Yitzchak's source: Perhaps the verse, *All who had a willing heart brought* is coming to exclude this instance from Shmuel's general ruling regarding vows. Shmuel states that one who decides to make a vow must express the vow with his lips; otherwise, it is meaningless. This verse teaches us that when one is donating to the Tabernacle, it is not necessary to utter the vow with his lips; rather a decision to donate is sufficient.

Rava continued: I have an objection for Chananiah, the son of the brother of Rabbi Yehoshua's source: Perhaps the verse is needed for the teaching of Rav Gidel who said in the name of Rav, for Rav Gidel states in the name of Rav: How do we know that one

can swear to do a *mitzvah*? The verse states: *"I have sworn and I will fulfill, to guard Your righteous ordinances."*

Rava concludes that he does not have an objection to Shmuel's source.

Rava said, and others say that Rav Nachman bar Yitzchak said: Ravina said: This is as people say, it is better to have one sharp pepper than a full basket of melons. (10a)

The Mishna had stated: The laws of Shabbos are like mountains hanging on a hair, for they have few Scriptural allusions, but many halachos.

The Gemora asks: There are many warnings against violating the Shabbos written in the Torah; why does the Mishna state that there are few Scriptural allusions?

The Gemora answers: The Mishna's statement is necessary for Rabbi Abba's halacha. Rabbi Abba said: One who digs a hole on Shabbos and only needs the earth (*not the hole*), he is not liable for this activity. (*The principle which this ruling is based upon is not explicitly mentioned in the Torah.*)

The Gemora explains that this is in accordance with Rabbi Shimon, who maintains that one who performs a *melachah shein tzrichah legufah*, an act of labor not for its defined purpose, is exempt.

The Gemora states that even Rabbi Yehudah (*who argues with Rabbi Shimon*) would agree that the digger is exempt because he is performing an act of



destruction (*ruining his house*) and not a constructive act.

The Gemora asks: Where is there a Scriptural allusion for this distinction?

The Gemora answers: The Torah only prohibits one to perform a *melech machasheves*, a calculated labor, on Shabbos. The Torah juxtaposes the laws of prohibited labors on Shabbos to the construction of the Tabernacle. Regarding the construction of the Tabernacle it is said *melech machasheves*, calculated labor. Since the guidelines are not written by Shabbos, it is compared to mountains hanging on a hair. (10a – 10b)

The Mishna had stated: The laws of Chagigah are like mountains hanging on a hair, for they have few Scriptural allusions, but many halachos.

The Gemora asks: Isn't it written explicitly [Vayikra 23:41]: *And you shall celebrate it as a festival for Hashem*; the Gemora above derived from the term celebrate and festival (*chag*) that one is obligated to bring a chagigah offering on the festival?

The Gemora answers: It is still not explicit that this is the correct interpretation; perhaps the verse means as Rav Pappa said to Abaye: Perhaps the verse only means that there should be a celebration during the festival and not that there is an obligation for a chagigah offering.

The Gemora cites proofs that the word festival (*chag*) must be referring to a chagigah offering and then rejects the proofs.

The Gemora concludes that we derive through a *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics - it links two similar words from dissimilar verses in the Torah*) that the term festival (*chag*) in this verse is referring to a chagigah offering.

The Gemora asks: Why does the Mishna state that the Chagigah is compared to mountains hanging on a hair if the halachah is derived through a *gezeirah shavah*?

The Gemora answers: We usually do not learn Biblical laws from the words of the Prophets. (10b)

The Mishna had stated: The laws of *me'ilah* (*illegal or improper use of consecrated objects*) are like mountains hanging on a hair, for they have few Scriptural allusions, but many halachos.

The Gemora asks: But surely they are written explicitly in the Torah?

Rami bar Chama answers: The Mishna's expression is necessary for that which was taught in a Mishna: If one sent an agent to misuse *hekdesh*, he violates *me'ilah* if he fulfilled his task. If he didn't fulfill the task, the agent violated *me'ilah*. Now, how can it be that one person shall sin and the other person is held liable for it? This must be what it means that the laws of *me'ilah* are like mountains hanging on a hair.

Rava said: What is the difficulty with this ruling? Perhaps *me'ilah* is different, for we derive a *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics; it links two similar words from*



dissimilar verses in the Torah) from *terumah* that just as an agency is effective by *terumah*, so too, it will be effective by *me'ilah*?

Rather, said Rava, the Mishna's expression is necessary for that which was taught in a braisa: If the sender remembered (that the money was consecrated) and the agent did not remember, the agent is guilty of *me'ilah*. Now, what did the poor agent do that he should be held liable? This must be what it means that the laws of *me'ilah* are like mountains hanging on a hair.

Rav Ashi said: But perhaps it can be explained like any case where a person unintentionally removed a coin from the ownership of the Beis Hamikdash and transferred it to a secular domain (*and he has committed the transgression of me'ilah*)?

Rather, Rav Ashi said, the Mishna's expression is necessary for that which was taught in a Mishna: if one took a stone or beam of *hekdesch* - *designated for use by the Bais Hamikdash*, he has not yet violated *me'ilah*. If he gave it to someone else, only he violated *me'ilah*, but not the recipient. Now, let us see; he has taken it! What difference does it make if he took it for himself or if he gave it to his friend? This must be what it means that the laws of *me'ilah* are like mountains hanging on a hair.

The Gemora asks: What is the difficulty with this ruling? Perhaps it is like Shmuel, for Shmuel explains that the *Mishna* is referring to the administrator of *hekdesch*, in whose possession the consecrated objects reside. Therefore, he only violates *me'ilah* when he gave it to someone else, removing it from

the possession of *hekdesch*, or when he benefited from it personally, but not when taking it.

Rather, the Mishna's expression is necessary for that which was taught in the end of that Mishna: Even if he built it into his house, he only violates *me'ilah* when he lives under it for a time span worth a *perutah* coin. Now, let us see: He has indeed changed it! What difference does it make if he lived under it or not? This must be what it means that the laws of *me'ilah* are like mountains hanging on a hair.

The Gemora asks: What is the difficulty with this ruling? Perhaps it is like Rav, for Rav explains that the *Mishna* is referring to one who simply placed the stone or beam over an opening in the roof, without any physical change to the object. He has committed *me'ilah* only if he lived under it.

Rather, it is clear that it means like Rava, and that which we asked that it perhaps it can be explained like any case where a person unintentionally removed a coin from the ownership of the Beis Hamikdash and transferred it to a secular domain; there is a distinction: there, he at least knew that he had consecrated coins in his possession and he should have been more careful; here, did the agent know at all that that the owner had any consecrated coins at all? This must be what it means that the laws of *me'ilah* are like mountains hanging on a hair. (10b – 11a)

INSIGHTS TO THE DAF

TAKING A VOW THROUGH WRITING

Shmuel states that one who resolves to make a vow must express the vow with his lips; otherwise, it is meaningless.

The Noda b'Yehudah (Y"D I: 66) inquires if an oath that was written down but not expressed would be valid as an oath. His underlying question is: Do we regard his written word as an expression of his lips?

This should be dependent on a dispute between the Rambam and Rabbeinu Tam regarding the validity of testimony from a written document. The Rambam maintains that testimony must be from the mouth of the witnesses and a document will not be Biblically acceptable for testimony. Rabbeinu Tam disagrees and holds that one who is physically capable of testifying may testify through the means of a document.

He concludes, however, that even the Rambam would agree that writing is considered testimony and yet, a written document cannot be accepted by Beis Din. The logic for this is as follows: An act of writing can constitute speech, but only during the time that it is being written. Beis Din will only accept an oral testimony when they hear it directly; hearsay is disqualified. Witnesses who signed a document are testifying, but Beis Din is not present at that time. If they would sign in front of Beis Din, that would be considered valid testimony.

With this principle, you can answer what would seemingly be a contradiction in the Rambam. He rules in Hilchos Eidus (3:7) that testimony must be from the mouth of the witnesses and a document will not be Biblically acceptable for testimony; yet later in Perek 9:11, he writes that one is required to testify with his mouth or at least that he is fitting to testify with his mouth. This would imply that if he is fitting to testify with his mouth, he would be permitted to testify through the means of a document. According to the Noda b'Yehudah's explanation, it can be said that the Rambam allows witnesses to testify through the means of a document, but only if they sign the document when Beis Din is present.

Accordingly, we can say that an oath taken through writing will be binding.

Oath to Fulfill a Mitzvah

The Ran and Rosh argue whether an oath to fulfill a *mitzvah* is binding in the sense that one would be in violation of "desecrating his word" for not keeping his promise. Ran understands that an oath on a *mitzvah* is not binding for the purpose of being liable for a *korban*, but is binding, and if he transgresses the *mitzvah*, he has violated the prohibition against desecrating his word. The Rosh seems to understand that it is not binding at all. This is also the opinion of the Ramban brought by Reb Akiva Eiger.

Reb Avi Lebowitz points out that based on this understanding, they also argue as to what the novelty of Rav Gidal's teaching is. The Ran understands that the oath is binding and therefore

obviously not an oath taken in vain, so the novelty is that one is encouraged to make these types of oaths (*even those who generally refrain from taking oaths*), for it will inspire him to fulfill the *mitzvah*. But, according to the Rosh that the oath is not really binding, the novelty is simply that by making such an “oath,” it is not an automatic violation of an oath taken in vain, since it at least accomplishes a function of encouraging the person to fulfill the *mitzvah*.

Oath to Study a Certain Tractate

The *Gemora* states that when one makes a vow to learn a specific tractate, it is binding even in regard to a *korban*, and it is not regarded as a vow to fulfill a *mitzvah*. The reason is that since the Torah does not explicitly indicate an obligation to learn any more than just *kerias shema* in the morning and evening, the vow is completely binding on anything beyond what is explicitly stated in the Torah.

The Reshash asks that since one is not obligated to learn that specific tractate, the vow should be binding to learn that specific tractate? Actually, the Ritva uses this approach to understand what the *Gemora* is saying. Since one can fulfill their obligation with some other type of learning i.e. *kerias shema*, or any other tractate, therefore, when he makes a vow on a specific tractate, it is fully binding.

Tosfos writes that even if one makes a vow not to learn something specific, the vow is binding. Reb Avi Lebowitz cites Reb Moshe (Dibros Moshe heora #43), who explains that Tosfos cannot be understood to be saying that one is not obligated to learn all sections of Torah, because both the obligation of knowing

Torah and the obligation of constantly learning Torah actually requires a person to learn all sections of Torah every day. While it may be impossible to do so, there is still technically an obligation on every single aspect of Torah. Therefore, Tosfos can only be explained like the Ran that the obligation to learn every section of Torah is not stated explicitly. Based on this, the Rosh and Ramban would hold that a vow not to learn even a specific or obscure section of Torah on any particular day would not be binding at all.

DAILY MASHAL

TO THE MOUNTAINS, I LIFT MY EYES, LIKE HILLEL AND NOT SHAMAI

Rabbi Meir Shapiro, the founder of the Daf Hayomi, was known as a child prodigy. His sharpness allowed him to grasp even the deepest concepts quickly.

It is related that the Vishnitzer Rebbe once sought to observe Reb Meir when he was merely nine years old. Little Meir recited for the Rebbe the entire first section of Yoreh Deah by heart. Meir was not only capable of reciting the words verbatim, but he also was able to explain the rulings in a manner similar to a Torah scholar.

Once during a Shabbos meal, Meir was asked to explain an enigmatic passage that is sung in the Shabbos zemiros. The zemiros state: *To the mountains, I lift my eyes, like Hillel and not*

Shamai. Meir was asked, “What is the juxtaposition of these two seemingly unrelated ideas and what is their correlation to Shabbos?”

The little genius did not have to think long before responding. The Gemora in Chagigah (10a) states: The laws of Shabbos are like mountains hanging on a hair, as they have few Scriptural allusions, but many halachos. The Gemora explains that the Torah only prohibits one to perform a *meleches machasheves*, a calculated labor, on Shabbos. Rashi explains that the Torah juxtaposes the laws of prohibited labors on Shabbos to the construction of the Tabernacle. Regarding the construction of the Tabernacle it is said *meleches machasheves*, calculated labor. Since the guidelines are not written by Shabbos, they are compared to mountains hanging on a hair.

The Gemora in Menochos (40a) cites a dispute between Beis Shamai and Beis Hillel whether one is permitted to wear a garment of tzitzis that contains shatnez (*wool and linen mixed together*). Rashi explains: Beis Hillel maintains that the linen garment is subject to the mitzva of tzitzis because the Torah juxtaposes the mitzva of tzitzis to the commandment against wearing shatnez. Beis Shamai disagrees because he does not expound juxtapositions.

This then is the meaning of the verse: *To the mountains, I lift my eyes*; the halachos of Shabbos are compared to a mountain hanging on a hair. *Like Hillel and not Shamai*; for Beis Shamai does not expound juxtapositions and therefore he cannot derive the principle of *meleches machasheves* by Shabbos because this is written by the Mishkan and not by Shabbos.