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Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

It was taught in a *braisa*: Rabbi Yosi ben Elisha said: If you see a generation overwhelmed by many troubles, go forth and examine the (*deeds of the*) judges of Israel, for all misfortune that comes to the world comes only on account of the judges of Israel, as it is written: *Hear this now, O heads of the house of Jacob, and rulers of the house of Israel, that abhor justice, and pervert all that is straight. They build up Zion with blood and Jerusalem with iniquity. Her heads judge for bribes, and her priests issue rulings for a fee, and her prophets divine for money; yet they rely upon Hashem.* They are wicked, but they place their confidence in the One Who decreed, “Let the world come into existence” (*assuming that He would not punish them*).

Therefore the Holy One, Blessed be He, will bring three punishments upon them - corresponding to the three sins which they cultivate, as it is written: *Therefore, shall Zion for your sake, be plowed as a field, and Jerusalem shall become heaps of ruins, and the Temple Mount shall be as the high places of a forest.*

The *braisa* continues: And the Holy One, Blessed be He, will not cause His Divine presence to rest upon Israel until the wicked judges and officers cease out of Israel, for it is written: *And I will turn my hand against you, and thoroughly purge away your dross as with soap, and will take away all your tin. And I will restore your judges as in the first place, and your counselors as in the beginning, etc.*

Ulla said: Yerushalayim is only redeemed with charity. This is as the verse says: *Tzion will be redeemed with judgment, and its captives with charity.*

Rav Pappa said: When the haughty cease to exist (*in Israel*), the *amgushei* (*heretics, who incite others to idolatry*) shall cease. When the (*corrupt*) judges cease to exist (*in Israel*), the *gazirpatei* (*oppressive Persian officers*) shall cease. ‘When the haughty cease to exist (*in Israel*), the *amgushei* shall cease’; as it is written: *I will thoroughly purge away your dross as with soap.* ‘When the (*corrupt*) judges cease to exist (*in Israel*), the *gazirpatei* shall cease’; as it is written: *God had taken away your judgments, He has turned away your enemy.*

Rabbi Mala’i said in the name of Rabbi Elozar son of Rabbi Shimon: What is meant by the verse: *Hashem has broken the staff of the wicked, the scepter of the rulers?* ‘*Hashem has broken the staff of the wicked*’ refers to the judges who become a staff for their officers. [*They support their underlings in evil; or, support them in their refusal to summon the defendant to court or to enforce the court verdict unless their salary is raised.*] ‘*The scepter of the rulers*’ refers to the Torah scholars in the families of the judges. [*These unfit judges are appointed by the Torah scholars of their family; they later cover up their mistakes and defend their decision.*]

Mar Zutra said: This refers to the Torah scholars who teach the laws to ignorant judges (*who will subsequently judge incorrectly*).

Rabbi Elozar son of Mala’i said in the name of Rish Lakish: What is meant by the verse: *For your hands are defiled with blood, and your fingers with iniquity; your lips have spoken lies, your tongue mutters wickedness? ‘For your hands are defiled with blood’*; this refers to the (*corrupt*)



judges. *'And your fingers with iniquity'*; these are the court scribes. *'Your lips have spoken lies'*; these refer to the lawyers. *'Your tongue mutters wickedness'*; these are the litigants.

Rabbi Mala'i also said in the name of Rabbi Yitzchak of Migdelah: From the day that Yosef departed from his brothers he did not taste wine, for it is written: *And on the head of the exile (nezir) from his brethren.* [A nazir is one who abstains from drinking wine.]

Rabbi Yosi ben Rabbi Chanina said: They too did not taste wine, for it is written *(when they were together with Yosef again): And they drank, and became intoxicated with him.* This implies that they did not drink until then. And the other one (R' Mala'i, who maintains that it was only Yosef who refrained from drinking wine) explains: There was no intoxication, yet there was *(moderate)* drinking.

Rabbi Mala'i also said: As a reward for *(that which Hashem said regarding Aaron), "and he will see you, and he shall be glad in his heart,"* he was privileged to wear the *Choshen Mishpat (breastplate)* upon his heart.

The citizens of Bashkar sent the following questions to Levi: What about *(setting up)* a canopy *(on the Shabbos)*? What about hops in a vineyard? [Does it violate the prohibition against planting vegetables together with a vineyard, or perhaps, it is regarded as a tree?] What about *(digging a grave for)* a corpse on a Festival? By the time he *(the messenger)* arrived, Levi had died. Shmuel said to Rav Menashya: If you are wise *(enough to answer them)*, send them *(an answer)*. So he sent them the following: As for a canopy, we have examined it from all aspects, and do not find grounds by which it can be permitted.

The *Gemora* asks: But let him send them *(a permissive ruling)* in accordance with Rami bar Yechezkel *(where a sheet was already attached to the pole from beforehand, and a string or cord was attached to it by means of which it might be easily pulled down)*?

The *Gemora* answers: He did not do this because they were not learned in the Torah *(and they would act leniently in other places – against the halachah)*.

Rav Menashya continued: Hops in a vineyard is a forbidden mixture.

The *Gemora* asks: But let him send them *(a lenient reply)* in accordance with Rabbi Tarfon, for it was taught in a *braisa*: As for hops, Rabbi Tarfon maintains that it is not *kilayim* in a vineyard; while the Sages rule that it is *kilayim* in a vineyard. And it is an established principle that whoever's opinion is more lenient in *Eretz Yisroel*, the *halachah* follows him in respect of such products outside of *Eretz Yisroel (and Bashkar is located outside of Eretz Yisroel)*?

The *Gemora* answers: He did not do this because they were not learned in the Torah *(and they would act leniently in other places – against the halachah)*.

Rav announced: He who wishes to plant hops in a vineyard, let him plant. Rav Amram the pious would punish a person with lashes for this. Rav Mesharshiya would give a *perutah (small coin)* to a gentile child to plant it for him. [He agreed with Rav, nevertheless, he did it in an unusual manner, so as not to encourage laxity.]

The *Gemora* asks: Then let him give it to a Jewish child?

The *Gemora* answers: He would come to continue this practice *(even after he grows up)*.

The *Gemora* asks: Then let him give it to an adult gentile?

The *Gemora* answers: He might come to substitute a Jewish person for him.

As for a corpse, Rav Menashya sent to them: Neither Jews nor non-Jews may involve themselves with a corpse, neither on the first day of a Festival, nor on the second.

The *Gemora* asks: But is that so? For Rabbi Yehudah bar Shilas said in the name of Rabbi Assi: Such a case happened in the synagogue of Maon on a Festival adjoining the *Shabbos*, though I do not know whether it (*the Festival*) preceded or followed it (*the Shabbos*)<sup>1</sup>, and when they went before Rabbi Yochanan, he said to them: Let non-Jews involve themselves with him (*the corpse*).

And Rava said as well: As for a corpse, on the first day of Festivals, non-Jews should involve themselves with him; on the second day of Festivals, Jews may involve themselves with him, and even on the second day of *Rosh Hashanah*, which is not so in the case of an egg<sup>2</sup>! [*Why then did Rav Mesharshiya rule stringently?*]

The *Gemora* answers: He did not do this because they were not learned in the Torah (*and they would act leniently in other places – against the halachah*).

Rav Avin bar Rav Huna said in the name of Rav Chama bar Gurya: A man may wrap himself in a canopy sheet and with its strings to go out into the public domain on the *Shabbos* without fear (*that he is carrying the strings*).

The *Gemora* asks: How does this differ from Rav Huna's rule, for Rav Huna said in the name of Rav: If a man went out in the street on *Shabbos* wearing a garment which did

not have the proper amount of fringes attached to it, he is liable to a *chatas*.?

The *Gemora* answers: *Tzitzis* are important in relation to the cloak, hence they are not subordinate (*to it*); these are (*relatively*) insignificant, and (*so*) are accounted as subordinate (*to the cloak*).

Rabbah son of Rav Huna said: A man may employ a subterfuge in connection with a strainer on a festival, suspending it for pomegranates yet straining dregs in it.<sup>3</sup> Said Rav Ashi: Provided he does place pomegranates in it.

How does it differ from what was taught: One may brew beer on the [intermediate days of a] Festival<sup>4</sup> when it is required for the Festival, but if not required for the Festival it is forbidden: [this applies to] both barley beer and date beer. Though one has old [beer], he may practice a subterfuge and drink of the new? — There the matter is not evident;<sup>5</sup> here the matter is evident.<sup>6</sup>

The scholars said to Rav Ashi: See, master, a Rabbinical disciple, whose name is Rav Huna ben Rabbi Chayun — others state, Rav Huna ben Rabbi Chalvan — who took a clove of garlic, placed it in the bung hole of a barrel, and asserted, 'My intention is to put it away [here].'<sup>7</sup> He also went and dozed in a ferry and thus crossed to the other side and looked after his fruit, asserting, 'My intention was to sleep.' Said he to them, You speak of a subterfuge; it is a subterfuge [in connection with] a Rabbinical [interdict],<sup>8</sup> and a disciple of the Rabbis will not come to do this at the very outset.<sup>9</sup>

<sup>1</sup> Whether the Festival fell on Friday, on which day the death occurred, so that it had to be buried on the same day, for they would not be able to bury the body on the next day, or whether it fell on Sunday and the death occurred on the *Shabbos*, so that the burial could not be delayed any longer, for the corpse would decay.

<sup>2</sup> An egg laid on the first day of any Festival except *Rosh Hashanah* may be eaten on the second day as well. But in respect to a corpse, *Rosh Hashanah* is the same as other Festivals.

<sup>3</sup> He uses it to strain wine.

<sup>4</sup> Chol HaMoed.

<sup>5</sup> The evasion is not obvious, for a person who sees him brew beer does not know that he has sufficient already for the festival.

<sup>6</sup> That he is evading the law, unless he actually puts pomegranates in it, since its usual function is to strain them.

<sup>7</sup> But actually it was to prevent the wine from running out, and thus he repaired the barrel, as it were.

<sup>8</sup> For even if he did these without a subterfuge he would only violate a Rabbinical, not a Scriptural interdict.

<sup>9</sup> Without a subterfuge — hence he does nothing wrong.



MISHNAH: Water may be poured over wine dregs in order to clarify them, and wine may be strained through cloths and through a basket made of palm twigs; and an egg may be passed through a mustard strainer;<sup>10</sup> and enomlin may be prepared on the Shabbos. Rabbi Yehudah said: on the Shabbos [it may only be made] in a goblet; on festivals, in a bottle; and on the intermediate days of festivals in a barrel. Rabbi Tzadok said: it all depends on the [number of] guests.

GEMARA: Ze'iri said: One may pour clear wine and clear water into a strainer on the Shabbos without fear, but not murky [liquids]. An objection is raised: Rabban Shimon ben Gamliel said: One may stir up a barrel of wine, [i.e.] the wine and the dregs, and pour it into a strainer on the Shabbos without fear!<sup>11</sup> — Ze'iri explained it: They learnt this of the season of the wine pressing.<sup>12</sup>

Wine may be strained through cloths. Rav Shimi bar Chiya said: Provided that one does not make a hollow.<sup>13</sup>

And through a basket made of palm twigs. Rabbi Chiya bar Ashi said in Rav's name: Provided he does not lift it [the basket] a handbreadth from the bottom of the vessel.<sup>14</sup>

Rav said: [Spreading] a rag over half a cask [to cover it] is permitted; over the whole cask, is forbidden.

Rav Pappa said: A man must not stuff chips into the mouth of a cask jug,<sup>15</sup> because it looks like a strainer.

<sup>10</sup> Rashi: the strainer contains mustard, and when the egg is poured upon it the yolk passes through and the white remains on top. Rabeinu Halevi (quoted by Rashi): the egg is strained into a dish, not into mustard, but a mustard strainer is specified in order that the action on the Shabbos, though permitted, shall be done differently from what it is on weekdays.

<sup>11</sup> Though the liquid is murky through the stirring.

<sup>12</sup> All wine is murky then and drunk thus; hence it is not made fit for drinking (which would be forbidden on the Shabbos) by being put through the strainer.

<sup>13</sup> The cloth must be taut and not form a hollow. This would be forbidden on account of performing a weekday activity on the

Rav Pappa's household poured wine slowly from one vessel to another.<sup>16</sup> Rav Acha of Difti objected: But there is the residue?<sup>17</sup> — The residue had no value in Rav Pappa's household.<sup>18</sup>

An egg may be passed through a mustard strainer. Yaakov Karchah recited: Because it is only done for coloring.

### DAILY MASHAL

#### He Rebuilds Yerushalayim with his Mercy

The Gemara states that Yerushalayim will be redeemed in the merit of charity, as the possuk says, "Tzion will be redeemed through justice, and [its exiles] will return through charity," (Yeshayahu 1:27). The Maharsha (Sanhedrin 98a) raises the obvious question, that whereas the Gemara attributes Yerushalayim's redemption to charity, the possuk clearly attributes its redemption to justice. He explains that the Gemara did not interpret the second half of the possuk to mean that its exiles will return through charity, but rather the just laws will be renewed in the merit of charity. In other words, charity will bring justice, and thereby Tzion will be redeemed.

The Rambam (Hilchos Matnos Aniyim, 10:1) cites an alternate version of our Gemara. Rather than reading, "Yerushalayim will be redeemed in the merit of charity," he reads, "Israel will be redeemed in the merit of charity." According to this version, the Gemara may be interpreted

Shabbos, because it may seem as if he is straining; alternatively he may come to squeeze the wine from the cloth.

<sup>14</sup> Which receives the wine. Otherwise it forms a 'tent'.

<sup>15</sup> I.e., a jug used for taking wine out of a cask; the chips act as a strainer.

<sup>16</sup> So as to leave the sediment behind.

<sup>17</sup> The last drops percolating through the dregs left behind in the first vessel, which shows that their purpose was to strain the wine.

<sup>18</sup> He was a beer brewer and could afford to throw away the little wine left at the bottom together with the chips, thus leaving nothing at all there to show their real motive.

according to the more conventional understanding of the possuk, that the exiles of Israel will return in the merit of charity. (See Mesores HaShas here and in Sanhedrin. See also sources cited in the commentary of Rambam, Frankel printing).

**Birchas hamazon:** This passage of Gemara has relevance not only to the realm of aggadata, but also to halacha, in regard to the proper wording of birchas hamazon. According to the Tur (O.C. 188) the third beracha concludes, "Blessed are You, Hashem, Who rebuilds Yerushalayim." The Beis Yosef (ibid) writes that the Maharam of Rottenberg's custom was to recite, "Blessed are You, Hashem, Who rebuilds Yerushalayim with His mercy." Citing our Gemara, the Kol-Bo and Orchos Chaim protest that Yerushalayim will be rebuilt through justice, not through mercy. The Beis Yosef accepts their complaint, and therefore rules according to the Tur's wording, omitting the words, "with His mercy," (Shulchan Aruch ibid, 4). However, he adds that if a person does say, "with His mercy," he fulfills his obligation, *b'dieved*. Sources other than our Gemara indicate that the Beis HaMikdash will be rebuilt through Hashem's mercy, as the possuk states, "I will return to Yerushalayim with mercy, My house will be built therein," (Zecharia 1:16).

On the other hand, the Rema (ibid) and other Poskim rule that the accepted custom is to say, "Who rebuilds Yerushalayim with His mercy." The Maharshal (commentary to Tur, ibid) adds that this wording is advantageous, since the third beracha begins with the words, "*Rachem, na* - Have mercy, please," and as a general rule, long berachos are meant to conclude in a fashion similar to their beginning. (See Pri Megadim E.A. s.k. 3, who explains why the accepted wording is "With His mercy," as opposed to simply, "With mercy").

The objection raised that Tzion will be rebuilt through justice, not mercy, is countered by the Machatzis HaShekel (ibid, s.k. 3), who explains that Tzion will be rebuilt in the merit of the justice that the Jewish people practice.

However, even if this merit proves insufficient, Hashem will ultimately have mercy on us, and rebuild the Beis HaMikdash nonetheless.

The Maharshal offers another explanation, that Yerushalayim will be freed from its captors in the merit of justice. However, the glory that will be restored to it, far surpassing its previous splendor, will be solely attributed to Hashem's great mercy (cited in Bach, Drisha, Pri Megadim, ibid).