

לעילוי נשמת
הר"ר חשה הגר ז"ל
ב"ר יוסף דוד ז"ל
ת.נ.צ.ב.ה.
Dedicated by our friends
DAVID & JUDY HAGER

מאורות הדף היומי
Meorot HaDaf Ha Yomi
A Weekly Letter for Learners of the Daf Ha Yomi

לעילוי נשמת
הר"ר יוסף וולף ז"ל
ב"ר ברוך מנדל הי"ד
ת.נ.צ.ב.ה.

י"ל ע"י ביהמ"ד למגידי שיעור "דף היומי" בראשות הגר"ד קובלסקי שליט"א וע"י קרן ברכה וחסידי זיסר

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מסכת פסחים פ"ב-פ"ח

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Living Above the Shul

In our sugya, we find a discussion whether the roofs and second stories above the Beis HaMikdash were sanctified with the kedusha of the Beis HaMikdash. The Gemara concludes that the roofs above the various chambers of the courtyard (*azara*) were not sanctified, but the roof above the Heichal (which housed the Aron Kodesh and Menora) was sanctified.

The Poskim apply this discussion to the roofs and second stories above shuls. Are they sanctified with the kedusha of the shul? If so, perhaps it is forbidden to live in an apartment above a shul.

R' Meir of Rottenburg (cited in Mordechai, Shabbos 228) compares our shuls to the chambers of the courtyard of the Beis HaMikdash. Therefore, the floor above the shul is not sanctified, and it is permitted to live there. Nevertheless, one should not perform functions there that would be disrespectful to the sanctity of the shul below. The Mordechai himself, however, questions whether our shuls are more comparable to the Heichal, since they are now the dwelling place of the Shechina, as long as the Beis HaMikdash is in ruins. If so, it is forbidden to live on the floor above a shul (both opinions are cited by Beis Yosef O.C. 151).

The Shulchan Aruch (O.C. 151:12) rules: "One should be careful not to use the floor above a shul consistently for a disrespectful function. It is questionable whether other functions may be performed there." He did not wish to decide between these two opinions.

The Maharit (II, Y.D. 4) challenges the entire comparison between the roofs and second floors above the Beis HaMikdash, and those above our shuls. The roof over the Heichal was not sanctified because of the Heichal beneath. Rather, it itself was considered part of the Heichal and therefore sanctified in its own right. The same cannot be said of the floor above a shul; it is not considered part of the shul. Furthermore, the holiness of the Beis HaKnesses is less than that of the Beis HaMikdash.

The Chasam Sofer (Teshuvos, O.C. 30), on the other hand, accepts the comparison. He also offers another reason why the roofs of our shuls are more comparable to the roof of the Heichal, than to the roof of the chambers around the courtyard. The animal korbanos were offered in the courtyard, which had no roof. The surrounding chambers served only to house the wood for the mizbei'ach, the clothes for the kohanim, and so on. Since korbanos were not offered in these chambers, their roofs were not sanctified. The Heichal, on the other hand, housed the Mizbei'ach HaZahav, where the ketores was offered. Therefore its roof was sanctified. The same can be said of our shuls. They are the place where we offer Hashem our prayers, which come in place of the korbanos. The roofs of the shuls are sanctified, just like the roof of the Heichal.

דבר העורך

Once the Baal Shem Tov decided to travel to Eretz Yisrael, together with his daughter Udel, and his sofer, R' Tzvi. On his way, he suffered through many difficulties and mishaps, which delayed his journey. After a long and difficult boat ride, he finally arrived in Istanbul the morning before Pesach. He had no money, knew no one in the city, and had no means of buying anything for Pesach. He left his companions at a local inn, and went to shul to learn and daven, trusting in Hashem to care for his needs. While he was gone, a wagon pulled up to the inn bearing a Jewish couple who somehow had heard that the Baal Shem Tov was there. His daughter explained to them that he had gone to shul, and would not be back until evening. The couple saw that Udel had nothing prepared for Pesach, so they invited her to share the Pesach Seder with them. When the Baal Shem Tov returned at night, he found a table set with all the Pesach needs, and sumptuous Yom Tov food and wine. That night, they celebrated the Exodus, and the Baal Shem Tov sang over and over again the words from Hallel HaGadol, "To He who makes awesome wonders alone; for His kindness is eternal." Following the Seder, the couple approached the Baal Shem Tov to ask for his beracha. They had been married for many years, and had not yet been blessed with children. The Baal Shem Tov saw that it was decreed in the Heavens

גד'ה'

נשמת אדם

IN MEMORY OF

הר"ר יוסף שפילברגר ז"ל ב"ר צבי ז"ל

נלב"ע ט"ז ניסן תשל"ה ת.נ.צ.ב.ה.

הונצח ע"י ידידנו הר"ר שלמה ותרצה האזר שיחינו - תל אביב





that they would not have children, and that he would be severely punished if he promised them children. The woman pressured him and cried, "Why should I suffer rather than you?" The Baal Shem Tov felt obligated to her for her kindness, and he was overcome with mercy for her plight, so he promised to daven until she would be granted a child.

At that moment a Divine proclamation was made. As a punishment for forcing a matter that was not meant to be, he lost his portion in the World to Come. When the Baal Shem Tov heard this, he rejoiced. "Until now, whenever I performed a mitzva I could smell the fragrance of Gan Eden. This clouded my thoughts with selfish motivations of my own reward. The time has at last come that I can fulfill Hashem's mitzvos solely for His sake, with no thought of reward."

It was then revealed that the decree against the Baal Shem Tov was no more than a test. By accepting Hashem's decree with love and resolving to serve Him nonetheless, he was granted an even greater reward in Gan Eden.



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Sincerely,

The Meoros Staff



פנינים

פסח / ב כזיתא פסחא והלילא פקע איגרא

Insights into Hallel on Pesach Night

When our Sages made the order of the Pesach Seder, they placed the meal in between two halves of Hallel. This was in order to teach us that we must eat like we pray, with holy thoughts and joyous thanksgiving to Hashem (Imrei Emes of Ger, Likutei Yehuda, Haggada shel Pesach 110).

Just as the food we eat gives strength and life to our bodies, our prayers and mitzvos give strength to our souls. For this reason, we eat the Korban Pesach in the middle of Hallel (R' Tzadok HaKohen of Lublin, Resisei Layla 34).

The Chiddushei HaRim would say a parable in the name of the Baal Shem Tov, to explain why we eat a festive meal on Seder night. Once

Moving a shul into the first floor: The Rema writes that this discussion refers only to a building that was initially constructed to be a shul, and then someone decided to build an apartment on top. If a two-story building was constructed and then the bottom floor was designated as a shul, it is permitted to live on top and even perform disrespectful functions there.

The Taz adds that when a two-story building is made with intention that the first floor be a shul and the second floor an apartment, it is also permitted to live there and perform slightly disrespectful functions. However, one should be careful that terribly disgraceful things not be brought there, such as idolatry or a bathroom, which would prevent the prayers from ascending. In any case, if one does have an apartment above a shul, he should conduct himself with the utmost cleanliness.

The Taz also relates a tragic incident that occurred to him when he lived in Krakow. During that time he lost a son, and he attributed it to his having lived above the shul. The Knesses HaGedola also writes that people who live above shuls, "did not see good from it." The Magen Avraham writes, "a person should guard his soul, and not rely on the Rema's leniency."

דף פה/ב אמר רב גגין ועליות לא נתקדשו

A Ground Floor Apartment in Yerushalayim

In our sugya, Rav says that one may not eat the Korban Pesach on the second floor, since the roofs and second floors of houses in Yerushalayim were not sanctified with the kedusha of Yerushalayim.

Forcing one's spouse to move to Yerushalayim: The holiness of Yerushalayim is so great, and the advantage of living there so pronounced, that one can force his or her spouse to move there (Kesubos 110b). According to the Tashbatz (III, 201) this applies even today, though there is no Beis HaMikdash. According to the Pri Ha'Aretz (III, Y.D. 7) a person may not leave Yerushalayim to live elsewhere without pressing reason, just as one may not leave Eretz Yisrael.

In light of these opinions, The Tzitz Eliezer (XIV, 52) was once asked if this applies specifically to a ground floor apartment in Yerushalayim. Since the roofs and second floors were not sanctified, perhaps there is no advantage to living there over living elsewhere in Eretz Yisrael.

The Tzitz Eliezer rejected this conclusion, by distinguishing between two different aspects of the kedusha of Yerushalayim. The korbanos may only be eaten in a place conquered by Bnei Yisrael, and sanctified through their conquest. However, the eternal holiness of Yerushalayim, which Hashem bestowed upon it, rests on every area therein. It is because of this holiness that we are so encouraged to live in Yerushalayim.

Furthermore, it is not clear that Rav's opinion is accepted in halacha. The Rashba (Teshuvos I, 34) rules that one may not slaughter a korban on the second floor of the *azara*, or eat *kodashei kodashim* korbanos there. The Korban Pesach is classified as *kodashim kalim*, which the Rashba implies may be eaten on the second floor. The Minchas Chinuch (362) also rejects Rav's ruling, and concludes that the second floors and roofs were sanctified.

Many Acharonim, including the Minchas Chinuch and the Or Samei'ach, understood from the Rambam (Beis HaBechira 6:7) that although the roofs of the courtyard were not sanctified with the kedusha of the Beis HaMikdash, the roofs of Yerushalayim were sanctified with the kedusha of Yerushalayim.

דף פו/ב כל מה שיאמר לך בעל הבית עשה חוץ מצא

Do Everything Your Host Asks - Except for "Leave"

This well-known saying finds its source in our Gemara, but what does it really mean? Should we interpret it at face value, that a guest should be so audacious as to refuse to leave? In our version of the Gemara the words



"except for leave" are written in parentheses, implying that they are not accurate to the original text of the Gemara. The Meiri writes that they were inserted by a prankster who sought to mock the Gemara's words.

א"צ: The version cited in Ein Yaakov includes the words "except for leave." The Zohar (Pinchas, p. 244) also quotes this saying, including these puzzling words. Therefore, various explanations have been offered to make sense of them.

One explanation is that "leave" in Hebrew is אצ. Here, an apostrophe should be added between the letters, implying that it is an acronym for צד איסור, which means "element of the forbidden." That is to say, good manners requires us to fulfill all our host's requests, unless he asks us to violate halacha (see Gan Yosef p. 104; Ben Yehoyada here).

Leave on an errand: Other commentaries explain the word אצ according to its simple meaning, and offer various interpretations. The Bach (O.C. 170) explains that a guest is expected to help his host by performing various chores around the house. However, he need not leave the house to run an errand for his host. Since he is a stranger in the area, it is not fair to expect him to find his way among unfamiliar streets.

The Maharsham (Daas Torah on Shulchan Aruch ibid) cites his father's explanation based on a subsequent sugya (99b), where we find that when a group has joined together to share a Korban Pesach, they cannot always tell one member to take his portion of the korban and eat it elsewhere. A guest who had already agreed to take part in his host's Korban Pesach should not leave the group after the Pesach has been shechted.

The Sefas Emes (here) explains based on the incident of Kamtza and Bar Kamtza, wherein a host embarrassed his guest by forcing him to leave. The offended guest then slandered the Jews to the Roman authorities, and this eventually led to the destruction of the Beis HaMikdash. As a response to this terrible event, the Sages instituted a ruling that once a guest has entered someone's home, one may not force him to leave.

Fights with the landlord: Perhaps most surprisingly, some interpret this Gemara according to face value, that one should not leave at his host's command. Elsewhere, (Erchin 16b) the Gemara tells us that a tenant should not leave until his landlord hits him or throws out his belongings. Tenants and landlords can enter into heated disputes, and a landlord may get so upset that he threatens to evict his tenant. However, a tenant should not be so quick to take the landlord's threats seriously. When a person is forced to leave his apartment, both the tenant and his landlord could get a bad reputation. People will think that they do not know how to interact peacefully. Until the landlord gets physically violent, a tenant should choose to stay. The Drisha (O.C. 170:3) and Mateh Moshe (290) apply this explanation to our sugya, and their opinion is cited as halacha by the Magen Avraham (O.C. 170 s.k. 10) and Aruch HaShulchan (ibid, 8).

Teshuva is always accepted: We conclude with the explanation of the Reishis Chochma (Shaar HaKedusha ch. 16), cited by the Shlah and others. A person may feel so depressed over his many sins, that he is doubtful whether Hashem will ever accept his teshuva. After the Sage Elisha ben Avuya left the path of Torah observance, a Bas Kol emanated from the Heavens proclaiming, "Return, wayward children – except for Acher [Elisha]" (Chagiga 15a). Elisha was told that his teshuva would not be accepted. However, this was only a test from Heaven. Elisha was meant to ignore the Bas Kol, and return nonetheless. We are all guests in Hashem's world. Even if our Host tells us to leave His service, we must not listen. Teshuva is always effective, even for the most terrible sins.

דף פח/א שה לבית

The Extent of Chinuch

The Chasam Sofer (O.C. I, 83) was once asked to offer his ruling in the case of a seven-year-old mentally deranged child, whose father had passed away. The

there was a prince who was captured and sent into exile to a city far away from his home. Years later, he received a secret message from his father the king, that a rescue attempt was underway and if all went well he would soon be redeemed. The prince's joy knew no bounds. He wanted to dance and sing over the good news, but was afraid that his captors would see and be suspicious, and his rescue would be jeopardized. Instead, he invited all the other people in the work camp to join him for a round of drinks. After they had all drunk, they began to laugh and sing. The prince sang too, but his song was of entirely different nature. He sang for joy over his impending liberation, while they sang with drunken delirium. The guards could not tell the difference, so they let the prince sing and dance as he liked, until finally the king came to redeem him.

The same is true on Pesach night. We want to rejoice with the knowledge that Hashem will redeem us from Golus, but the coarse physicality of our bodies restricts us. Therefore, we give our bodies a good meal of meat and wine in order that it may also rejoice, and let the neshama rejoice with Hashem.

The Chiddushei HaRim would add that the parable is not exactly similar. In the parable, the drunken peasants rejoiced over nothing more than a cup of liquor. On Seder night, the body is so uplifted by the Yom Tov Seuda that it joins together with the neshama to rejoice over the Simchas Tom Tov.

פז/א ושדי כמגדלות אלו תלמידי חכמים

The Watchtowers

In our Gemara, Torah scholars are compared to watchtowers. The advantage of a watchtower is that when a person stands from a high position, he can see danger from afar and alert the people in the city to be on guard. The same is true of the Gedolei Yisrael in every generation. Since they have elevated themselves to such a high level, they can see the dangers that threaten the Jewish people, even before the dangers are apparent to the rest of us. They warn us to avoid harmful practices and ideologies, which we otherwise would not realize are harmful (heard from R' Yisrael Aharon Kopshitz).

מאורות ההלכה

Chametz During and After Pesach, Part 1

1. If a person finds chametz in a public area on Pesach he may not pick it up, since by doing so he acquires ownership of it and transgresses the prohibition against owning chametz on Pesach. Even if his intention is not to keep the chametz but to throw it away it is still forbidden, since by touching chametz one might come to eat it (Biur Halacha 446, s.v. B'veiso).



2. If a person finds chametz in his own property on Yom Tov or Shabbos Chol Ha'Moed, he may not move it to dispose of it. Since chametz on Pesach may not be used for any purpose, it is considered muktzah. He may not even burn it in its place, since fire may only be used on Yom Tov in order to benefit from it. Instead, he should cover the chametz until after Yom Tov or Shabbos, and then destroy it.

3. If a person finds chametz in his property during Chol Ha'Moed, he must destroy it immediately. If he cannot destroy it immediately, he should remove it from his property until he can destroy it, in order that no one may accidentally eat it.

4. The Poskim debate whether a beracha should be made when destroying chametz on Pesach. Some say that he fulfills a mitzva by destroying the chametz, and therefore a beracha should be recited. Others hold that the beracha recited before bedikas chametz applies also to any chametz found later. We therefore follow the principle of *safek berachos l'hakel* - in case of doubt, no beracha is recited.

5. If a person finds chametz in his possession on Pesach, he must destroy it. It is not sufficient just to render the chametz inedible even to a dog.

6. Strictly speaking, chametz may be destroyed in any manner one chooses, such as throwing it in the sea. However, the custom is to burn it.

7. This is true even when destroying chametz before Pesach. On Pesach, it is even more important to specifically burn it, if possible.

child could speak although his words made little sense, and he vaguely understand what was being told to him. The child's relatives used his sizable inheritance to arrange appointments with mental health experts. The doctors concluded that he was beyond their help, and the only hope they could see for him was a mental hospital in Vienna. Although he would never be perfectly normal, the hospital could help him progress to the point of being somewhat self sufficient and lucid.

The problem was that the hospital was run by gentiles, and the child would be forced to eat treif food and transgress other aveiros. Although a *shoteh* is exempt from mitzvos, it is still forbidden to feed him treif foods (see Yevamos 114b). On the other hand, after the treatment was completed, the child could be trained to perform mitzvos and lead a normal life.

The Chasam Sofer dealt with this question at great length, suggesting many reasons for and against the treatment. He questioned whether it might be permitted to have a gentile feed treif food to a *shoteh*. He also questioned whether the child was indeed considered a *shoteh*, since he could speak and understand to some extent. He also questioned whether the adverse effects on the mind caused by eating treif might outweigh the benefits of the treatment.

In the course of his discussion, he writes that if we were to assume that the child was indeed a *shoteh*, and assume that the treatment would be effective, it would be justified to feed him treif in order to offer him a life of Torah and mitzva observance.

Educating mitzva observance by means of an aveira: Can we also apply this principle to healthy children? May we instruct our children to perform an aveira, if we feel that this would be in the best interest of their overall education? In Tosefos on our sugya (s.v. *Se l'bayis*) we find just such a case.

A person must decide from which Korban Pesach he plans to eat and acquire a portion in that specific animal before it is shechted. In our Gemara we find the case of an orphan for whom the court appointed an *apotropus* (legal guardian) to care for his needs. The Mishna tells us that if two such guardians were appointed, and they both shechted their Korban Pesach with intention to give him a portion, he may decide to eat from whichever he pleases. Although one must normally decide which korban he plans to eat before it is shechted, in this case we are lenient.

To explain, Tosefos sends us to a parallel sugya in Nedarim (36a, see Ron). There we find that according to Torah law, children need not acquire a portion in the Korban Pesach before it is shechted. The possuk from which we learn that children must also acquire a portion, "*se l'bayis* - a sheep for every house," is only an *asmachta* for a Rabbinic ruling. Tosefos asks that although Beis Din are not required to refrain a child from eating forbidden foods, they may not have forbidden foods fed to him. Why in this case do we feed him a Korban Pesach that is Rabbinically forbidden? Tosefos answers that for the sake of the orphan's education, to train him in the mitzva of Korban Pesach, our Sages allowed him to be fed a Rabbinically forbidden korban.

Chinuch in shofar blowing: In a similar vein, Rabbeinu Yerucham (cited in Magen Avraham O.C. 343:3) rules that one may give his child a shofar to blow on Shabbos, in order to train him to fulfill the mitzva of shofar on Rosh Hashanah. Since it is only a Rabbinic prohibition to blow shofar on Shabbos, one may instruct a child to transgress this prohibition, in order to train him in mitzva observance. As a source for this ruling, the Magen Avraham cites our Tosefos.

R' Akiva Eiger (Teshuvos I, 61) rules that in areas where carrying is only a Rabbinic prohibition, one can give a child a siddur to carry to shul. Here too, we not only permit him, but actually encourage him to carry, in order to educate him in mitzva observance.

As an important disclaimer, we note that one should not be too hasty to compare other cases to the ones listed here. A child should not be instructed to transgress any aveira for the sake of his education, without first consulting a competent halachic authority.

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