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מסכת שקלים י"א-י"ז

בס"ד, א' סיון תשס"ו

## השבוע בגליון

- Giving Tzedaka at Night
- The Prince of Destructive Spirits
- The 613 Mitzvos and the Ten Commandments
- How Many Commandments on Each Luach?
- 5, 10, 20 and 40 Commandments
- Offering Korbanos Today

דף טו/א רב חנינא בר פפא הוה מפליג מצוה

### Giving Tzedaka at Night

The Minchas Elazar of Munkatch (Divrei Torah 1:117) writes that there are some miserly people who look for every excuse to exempt themselves from giving tzedaka. When a poor person approaches them for tzedaka at night, they claim to follow the Arizal's practice of not giving tzedaka at night. However, the Minchas Elazar writes that this is no excuse. This is not what the Arizal intended at all.

The source of the Arizal's practice not to give tzedaka at night, the meaning behind it, and why the misers in question have no rightful claim, will all be discussed in this article.

**Night is a time of harsh judgment:** The Chida (Birchei Yosef, O.C. 235) writes, "Night is a time of strict judgment. Therefore, according to the students of the Arizal, it is not a time for giving tzedaka." The Chida offered this ruling as a commentary to the Shulchan Aruch (O.C. 92:10, Y.D. 249:14), who writes that it is proper to give tzedaka before each prayer, as the possuk states, "With tzedek, I will behold Your presence" (Tehillim 17:15). The Arizal followed this ruling by giving tzedaka before Shacharis and Mincha, but did not give before Maariv.

The Chida cites a source for the Arizal's custom from our own Gemara. The Gemara tells us that R' Chinina bar Papa was once walking outside at night to distribute tzedaka to the poor. As he walked, he was met by the prince of destructive spirits, who demanded to know why R' Chinina was infringing on his domain. R' Chinina answered by quoting the possuk, "A gift in secret overturns anger" (Mishlei 21:14).

The simple explanation to this story is that the prince of spirits asked why R' Chinina walked about at night, when the destructive spirits roam. R' Chinina answered that he relied on the merit of tzedaka to protect him.

However, the Chida offers another explanation. The prince of spirits said that at night, tzedaka does not have the same ability to arouse Heavenly mercy, as it does by day, since night is a time of strict Heavenly judgment (see Divrei Torah, ibid; Maharsham II, 43). R' Chinina answered that nevertheless tzedaka is effective at all times.

According to this explanation, from the very source for the Arizal's practice we see that there is no restriction against giving tzedaka at night. Rather, by day it is even more beneficial, since it awakens a greater degree of Heavenly mercy. Thus, we must interpret the Arizal to mean that one need not give tzedaka before Maariv, but one certainly may do so if he pleases.

Other opinions understood that the Arizal warned against giving tzedaka at night, if one could possibly give it by day (see Divrei Torah and Maharsham, ibid). They explain according to Kabbala that giving tzedaka at night arouses the anger of the destructive spirits.

**Not to turn away a poor person:** However, all opinions agree that one should not turn away a poor person who comes to collect tzedaka at night. If a person does so, he neglects the positive commandment of, "You must open your hand to him" (Devarim 15:8), and transgresses the prohibition of, "Do not harden your heart; do not clench your hand" (Devarim 15:7). The Arizal favored giving money by day only when putting money in a tzedaka box for example, when there is no question of turning away a poor person empty-handed.

The Aparkasta D'Aniya (III, Y.D. 181) writes, "At no time, and under no circumstances, should one ever refrain from giving tzedaka." The Arizal meant that at night one should not meditate on Kabbalistic intentions before giving tzedaka, as he would when giving tzedaka by day. He adds, "This practice has no relevance to the majority of people who anyway do

### דבר העורך

#### An Anecdote from the Train Minyan

Our thanks to Mr. Howard Jackson for sharing with us this personal anecdote of the "train minyan" from Jerusalem to Tel Aviv. Each morning, his train leaves the Malcha station in Jerusalem at 6:14, and the passengers of the last compartment can be found learning Torah: Gemara, Meoros Daf Yomi journal, or other seforim. Forty minutes later, the train reaches Bet Shemesh, where more passengers alight and the Shacharis minyan begins. This compartment has been aptly dubbed the "Mesillas Yesharim" – the Path of the Just. The fifty-seater compartment overflows with prayer and Torah study, a beautiful start to the day.

The "train minyan" made a siyum on Maseches Eruvin together and it was an inspirational experience for everyone. When Daf Yomi neared the end of Pesachim, Mr. Jackson looked forward to another such siyum on board the train. However, with the birth of his second son (baruch Hashem) he found his routine temporarily disrupted, and he overslept on the morning of the siyum.

He hurried off to catch the next train at 7:09, where he found another jam-packed train minyan, who were more than pleased to host his siyum of Pesachim. After davening, he recited the last amud and said over a dvar Torah concerning the mitzva of Pidyon HaBen, a touching reminder of his own son's pidyon three years earlier. The Hadran was recited, and cakes were given out. The train finally reached Tel Aviv, and the passengers disembarked to begin their workday with uplifted spirits, eagerly awaiting the upcoming siyum of Shekalim.

### IN MEMORY OF

הר"ר יהודה אריה פודהורצר ז"ל ב"ר ישראל אברהם הי"ד

נלב"ע חג השבועות תשס"ד תנצב"ה

הונצח ע"י ידידו בני המשפחה שיחי

נר'ה

נשמת אדם

## The Rightful Heir

Once there was a wealthy businessman who created an empire of industrial plants all across the country. His wealth grew and grew, and the profits reaped by his many companies steadily rose. The businessman had two grown sons, whom he sent away to a different country. Each day, he would send them gift packages. At times he sent money, at times he sent clothes or other valuables. One day, the two sons received a package from their father containing a single pair of trousers. This seemed to be an unusually meager gift, compared to the generous presents he had previously lavished upon them. They inspected the trousers and found in one pocket a small bag filled with diamonds.

The two sons realized that this was no mere gift to be shared between them. It was a message from their father, signifying who would be the heir to his multi-million dollar estate. For whomever the trousers and were diamonds intended, to him would go the entire estate.

They then began to argue between themselves who was meant to be the rightful heir. One claimed that he was known to be the cannier jewel merchant. The father sent the jewels as a sign that he would be the heir. The other son claimed that he was the greater textile merchant. The father placed the jewels in the trousers to signify that the empire belonged to the one who better understood trousers. Many such flimsy claims were hurled back and forth, and the debate became more and more heated.

Soon the entire community knew of their struggle over the inheritance. They all began to discuss the many millions that hung in the balance. What was the message of the trousers? Who would inherit the empire? Then, one wise man heard of their argument. He approached them to offer a simple and obvious solution.

"Try on the trousers," he said. "The empire is meant for whoever fits the trousers." One of the brothers was thin and scrawny, while the other was of generous size. The trousers could only be meant for the smaller of the two, and he claimed the inheritance for himself.

When Moshe Rabbeinu ascended to the Heavens to claim the Torah, the angels complained that the Torah rightfully belongs among them, and

not know the Kabbalistic intentions for giving tzedaka. They should give tzedaka at all times, with wholesome simplicity. Hashem, Who cherishes tzedaka, will position every mitzva in its appropriate place."

**The Divrei Chaim's custom:** The Tzanz-Klausenberger Rebbe *zt"l* cites the custom of his great grandfather, the Divrei Chaim of Tzanz. At night, he would give his attendant tzedaka money to distribute, and the attendant would distribute it the following day (Divrei Yatziv O.C. 293. See Divrei Torah, *ibid*, who cites other details of the Divrei Chaim's practice of giving tzedaka at night).

דף טז/ב בין כל דיבור ודיבור באותיותיה ובקדוקיה

## The 613 Mitzvos and the Ten Commandments

This year on the Yom Tov of Shavuos, Daf Yomi students will study the sugya of the Luchos HaBris and the Ten Commandments in Maseches Shekalim. The Gaonim write that the entire Torah is included in the Ten Commandments, each Commandment being a general principle, a "root" as it were, from which all the details of the mitzvos branch out.

One proof for this is drawn from our sugya, where Chananya the nephew of R' Yehoshua said: "Between the Ten Commandments were written the details and the letters of the Torah... Just as the ocean has large waves with smaller waves between them." (This was true only of the first set of Luchos – Beis HaLevi, Drashos 18). We see from here that the Ten Commandments are the general principles, upon which the entire Torah is based (Taklin Chadatin). In Yerushalmi Taanis (4:5), the Gemara states this even more explicitly (see Korban Ha'Eida on Taanis *ibid*; Rashi, Shemos 24:12).

**Each Jew accepted all the mitzvos:** The Midrash (Shir HaShirim Rabbah 1:2) adds that when the Torah was given on Har Sinai, each Jew was individually asked if he accepted the Ten Commandments, including the details of its laws, the punishments for violating it, and the Rabbinic restrictions that surround it. The mitzvos were detailed to the Jewish people, in order that they would understand the commitment they were making. We see from here as well that each of the Ten Commandments represented a large number of mitzvos.

**How is the entire Torah included in the Ten Commandments?** R' Saadia Gaon authored a poetic work listing the mitzvos entitled "*Azharos*," to be recited on Shavuos. In this work, he explains how the Ten Commandments include the entire Torah. In one of the stanzas he writes, "In His wisdom He included in the Ten Commandments, the 613 to be instructed."

In Kad HaKemach, Rabbeinu Bachaye writes that the 248 positive mitzvos are included in the three positive Commandments, whereas the 365 prohibitive mitzvos are included in the seven prohibitive Commandments. Here, we list a few examples. The Commandment, "I am Hashem your G-d who brought you out of the land of Egypt, from the house of slavery," is a positive commandment to believe in Hashem, Who rescued us from Egypt (Ramban, Shemos 20:2). The word "Egypt" hints to all the mitzvos that are performed as a remembrance of the Exodus: sanctifying the firstborn children and animals, observing the festivals, etc.

The Commandment, "Do not make an idol for yourself," is a prohibition against idolatry. It also includes all the prohibitions associated with idolatry, including the prohibitions against resembling idolaters. In Hilchos Avoda Zara, the Rambam lists 49 different prohibitions, which are all intended to distance us from idolatry. In this way, Rabbeinu Bachaye goes through each word of the Ten Commandments, detailing how all the mitzvos are derived from them.

It is interesting to note that in years gone by, there existed a shortened listing of the mitzvos. The Rishonim cite from R' Saadia Gaon that when Bnei Yisroel first crossed the Yarden, they set up stone upon which they wrote this shortened listing. In regard to this, the possuk states, "You shall write upon them all these words of the Torah" (Devarim 27:4). The possuk in Yehoshua (8:32) also refers to this when it states, "They wrote upon the stones a repetition of Moshe's Torah" (See Ibn Ezra, Devarim *ibid*; Radak on Yehoshua; Meiri, Sotah 33b).

**613 words:** The Midrash says that from the first word of the Ten Commandments, "I am Hashem," until the last Commandment, "Do not covet your friend's wife, his slave, his maidservant, his ox or his donkey..." there are exactly 613 letters (Bamidbar Rabba 13:16, *et. al*). However, the last two words of the last Commandment, "*asher l'rei'echa* - or all that belongs to your friend," are not included in this counting. The Midrash explains that the seven letters of these last two words correspond to the seven days of creation. This teaches us that the entire world was created for the sake of the Torah.





Others explain that the seven extra letters represent the seven Rabbinic mitzvos: Chanuka, Purim, Eiruv, Shabbos candles, washing hands, Hallel and berachos (Toras Ha'Ola by the Rema, III ch. 38). Together, the Torah mitzvos and Rabbinic mitzvos equal 620, the gematria of *kesser* – crown; signifying that the Jewish people were crowned with the wisdom of the Torah (see Torah Shleima, 16, appendix 1).

דף ט"ז

## How Many Commandments on Each Tablet?

For many generations, it has been customary to decorate the Aron Kodesh with the likeness of the Luchos HaBris, two tablets with five Commandments on each. In this week's Daf Yomi we find that this practice follows one opinion in the Gemara, but there are three other opinions as to how the Commandments were divided.

R' Chanina ben Gamliel held according to our custom, that the Luchos had five commandments each. The Chachomim held the each Luach had all Ten Commandments. R' Shimon bar Yochai held that all Ten Commandments were written twice on each Luach, once on the front and once on the back. Finally, R' Simai held that the Ten Commandments were written four times on each Luach.

The widely excepted explanation of R' Simai's opinion is that the Luchos were shaped like cubes, and the Ten Commandments were written on each of the four sides (not including the top and bottom). Some Acharonim explain that this was in order that the Commandments could be read from any side a person might view them. For this reason, it was unnecessary to write the Commandments on the top or bottom of the Luchos (see Korban Eida and Ra"sh Sirillio here; Teshuvos Radvaz III, 549). Others explain that on each face of the Luchos, the Ten Commandments were written in a different direction; from top to bottom, or from bottom to top (see Ra"sh Sirillio).

**Each Luach had Five Commandments:** Some explain the latter opinions listed above to mean that all Ten Commandments were written once, or even numerous times, on each Luach. However, the Mabit (Beis Elokim, Shaar HaYesodos 12, s.v. *U'mipnei*) suggests that all opinions might agree that the first five Commandments were written on one Luach, while the second five were written on the other. They argued over how many times the five were written on each. According to R' Chanina ben Gamliel they were written once on each. According to the Chachomim they were written twice on each, for a total of ten. According to R' Shimon they were written four times on each, twice on the front and twice on the back. According to R' Simai they were written twice on each of the four sides of the Luchos, for a total of forty commandments on each.

**The letters were carved all the way through:** According to the opinions that the Commandments were written on front and back, how can we understand the Midrash that they were carved all the way through? The Radvaz (*ibid*) explains that they were carved all the way through, yet miraculously they could be read clearly from right to left on both sides. Others explain that there was a space between each Commandment, where the same Commandment appeared backwards, carved through from the other side.

**Reconciling all four opinions:** The Rama of Panno (Asara Maamaros: Chikur HaDin II, ch. 2) offers a fascinating explanation, which reconciles all four opinions in the Gemara. He writes that the Luchos were six tefachim wide by six tefachim high, and three tefachim thick. Thus, on the front and back sides of each Luach, there was a surface of six by six tefachim on which to write all Ten Commandments. However, on the sides, top and bottom of the Luchos, the surface was only three by six tefachim. Only five Commandments were written on the sides, top and bottom. It comes out that each Luach had Ten Commandments on front, ten on back, five on the top, bottom, right and left sides, for a total of forty commandments on each Luach.

When Moshe Rabbeinu descended from Har Sinai, he held the Luchos one in front of the other. The writing was visible only from the sides, where five Commandments were seen on each – hence R' Chanina ben Gamliel's opinion. Later, he separated them and revealed that on the front of each were all Ten Commandments – the opinion of the Chachomim. When he held them up for Bnei Yisroel to see, the Ten Commandments could be seen on both the front and back – R' Shimon's opinion. When he placed the Luchos before them to investigate more thoroughly, they saw that five Commandments were written on each side, a total of forty commandments on each – the opinion of R' Simai.

Thus, all the opinions in our Gemara are correct; each referred to a different part of the Luchos. The Rama of Panno adds that Hashem wrote the Commandments on all sides of the Luchos, since Bnei Yisroel camped around the Mishkan from all four sides. Thus, from wherever they were camped they would be able to read the Luchos. From here it seems that the Luchos were taken out and displayed on at least one occasion, as Bnei Yisroel were encamped in their places around the Mishkan and gazed at the Luchos HaBris.

should not be given to the Jewish people. "Let Your glory remain in Heaven," (Tehillim 8:2) they said. Hashem told Moshe Rabbeinu to answer their claims. Moshe then proceeded to list the mitzvos of the Torah: "I am Hashem who took you out of the land of Egypt" – the Jewish people descended to Egypt, not the angels. "You shall not have any false gods" – the Jewish people dwell among the idolatrous nations, and must withstand their influence. The angels have no such struggle. "Remember the Shabbos day to sanctify it" – the Jewish people work during the week and must rest on Shabbos. The angels have no physical work from which to rest.

True the Torah is greater than the earth and wider than the heavens, yet it was made to fit the Jewish people. Therefore, we are its true heirs. No matter how difficult Torah study may seem to us, we must know that it was meant for us.



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Sincerely,

The Meoros Staff



## פנינים

דף י"ז/א אחד בדור אנוש

## When Were the Oceans Formed?

In our Gemara we learn that the Mediterranean Sea expanded to engulf the world twice: once during the time of Enosh, and once after the Tower of Babel. Based on this, the Meshech Chochma (Devarim 34:2) explains that debate between the Tannaim over which beracha to recite upon seeing the Mediterranean (Berachos 54); "Blessed are You, Hashem... Who formed the works of Creation," or ".... Who created the Great Sea." The beracha, "Who formed the works of Creation," is appropriate only for mountains and seas that existed in their present state since the Creation of the world. Since the Mediterranean was originally created smaller than its present state, "Who formed the works of Creation," is perhaps not appropriate.



דף יג/ב חמרתיה דרבי פנחס בן יאיר

**The Righteous Donkey**

We find in our Gemara that the donkey of R' Pinchas ben Yair strictly observed the laws of separating terumos and maasros. Somehow, it could sense which fodder had not been properly tithed, and refused to eat from it. One of the students of R' Yitzchak Hutner ז"ל explained that a donkey has no free choice, and we cannot attribute it holiness to its own merit. Rather, the holiness of R' Pinchas ben Yair was so great that it extended to all his possessions. Had the same donkey belonged to anyone else, it would have behaved like any other donkey in the world.

**Offering Korbanos in our Time**

In Maseches Shekalim we learn about the half shekel coins that were donated by the Jewish people, in order to purchase communal korbanos to be offered in the Beis HaMikdash. These korbanos could not be donated by any single individual. They could only be purchased with money collected from the community.

This halacha found practical significance a few hundred years ago during the era of the Rishonim, when R' Ishtori HaPerachi, author of Kaftor V'Ferach, traveled from France to Eretz Yisroel. When he arrived, he investigated many of the halachos relevant in Eretz Yisroel. He questioned whether he might be able to offer korbanos in the place of the Mizbei'ach, even though there is no Beis HaMikdash today.

As a general rule, *tamei* (ritually impure) people may not enter the place of the Beis HaMikdash. However, for the sake of communal korbanos, this rule is suspended. R' Ishtori received a tradition that R' Yechiel of Paris, one of the authors of Tosefos, planned to ascend to Yerushalayim in 5017 (1257) to offer korbanos, despite his *tumah*.

**The place of the Mizbei'ach:** Since then, many Poskim and commentaries have dealt with the issue of offering korbanos in our times, and reached the conclusion that it is forbidden to do so. One of the many reasons offered is that korbanos must be offered on the exact location of the Mizbei'ach that stood in the Beis HaMikdash. Since we are unaware of its exact location, we may not offer korbanos (see Rambam, Beis HaBechira 2:1).

**Collecting machatzis hashekel:** R' Yaakov Emden (She'eilas Yaavetz I, 89; cited also in Teshuvos Chasam Sofer Y.D., 236) raised a different objection. True communal korbanos supersede the laws of *tumah*, but they also must be purchased from the communal money, which was raised from the machatzis hashekel donations. Since R' Yechiel was certainly unable to collect machatzis hashekel from all the Jewish communities throughout the Diaspora, he could not possibly buy the communal korbanos to offer.

Therefore, R' Yaakov Emden concluded that R' Yechiel intended to offer the Korban Pesach. This is the only korban offered by an individual that supersedes the laws of *tumah*. As we learnt in Pesachim, if the majority of the Jewish people are *tamei*, they must offer the Korban Pesach despite their *tumah*.

Others contend that R' Yechiel thought to offer communal korbanos as well. The Rambam (Klei Mikdash 8:7) rules that although an individual may not offer his own animals as communal korbanos, he may donate them to the community, and let the community offer them. R' Yechiel could have done the same. He did not need to offer the communal korbanos specifically from machatzis hashekel raised from the entire community (see She'eilas Yaavetz, ibid).

The Drishas Tzion (33) argues that R' Yechiel could indeed have collected machatzis hashekel from whoever was willing to donate. He did not need to collect from every Jewish community throughout the world. When Ezra led the Jewish people back from Bavel, most Jews remained there. He gathered machatzis hashekel from the Jews who came with him, but the money gathered did not meet the needs of the korbanos. We see clearly that he did not gather machatzis hashekel from the Jews who remained in Bavel.

The Maharam Shik (Y.D. 214) also argues that gathering machatzis hashekel should pose no hindrance to offering communal korbanos. The Gemara (Taanis 17a) implies that the Beis HaMikdash might be built any day, and on that same day we will offer korbanos. How will we manage to collect machatzis hashekel from all Klal Yisroel in just one day? Rather, we must say that communal korbanos may be offered even without gathering machatzis hashekel from all Klal Yisroel.

However, the Maharatz Chiyus (Teshuvos Maharatz Chiyus, Kuntrus Avodas HaMikdash) does accept R' Yaakov Emden's claim that without machatzis hashekel, we cannot offer communal korbanos. In addition to the practical difficulties of gathering machatzis hashekel in our era, there is a halachic objection as well. The Rambam (Shekalim 1:8) writes that machatzis hashekel is only collected while the Beis HaMikdash stands. Therefore, we must conclude that R' Yechiel intended only to offer the Korban Pesach. (Many question this proof from the Rambam. Machatzis hashekel was collected only when the Beis HaMikdash stood, since we have no need of them today. However, should someone have need of them to offer communal korbanos, perhaps the Rambam would agree that they may be collected. See Shekel HaKodesh commentary on the Rambam).

In conclusion, we reiterate that there are many halachic objections against offering korbanos in our era, other than the issue of machatzis hashekel. Therefore, the Poskim have concluded that we must wait in anticipation of Moshiach's arrival, for the Beis HaMikdash to be rebuilt that we may once again offer korbanos. May it be soon and in our days, Amen.

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