

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
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בס"ד, כ"ב סיון תשס"ו

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Mezuzos in the Kovna Ghetto

Klal Yisroel has recently witnessed the passing of R' Ephraim Osheri zt"l, who served as the rav of the Kovna Ghetto during the holocaust. There, he recorded many halachic questions that were posed to him, amidst extenuating circumstances of unspeakable hardship. After the war, his teshuvos were published in a sefer entitled, "*Ma'amakim*," portions of which were translated into English and published under the title, "The Holocaust and Halacha."

Mezuzos in the Kovna Ghetto: One of the issues discussed in his collection of teshuvos, is the question of affixing mezuzos in the Kovna Ghetto. Tortured in body and soul, the Jews of the Kovna Ghetto still turned their thoughts to Hashem, in an earnest desire to fulfill His mitzvos, regardless of their own suffering. As time passed, they saw that many of the mezuzos in the ghetto had become possul. The question then arose whether the houses of the ghetto required mezuzos at all.

Mezuzos on a jail cell door: R' Osheri based his reply on our sugya, where we find a debate between R' Yehuda and the Chachomim whether mezuzos were required in the Lishkas Parhedrin, where the Kohen Gadol stayed during his seven days of preparation for Yom Kippur. R' Yehuda held that since the Kohen Gadol was obligated to remain in the Lishkas Parhedrin, it was considered an "involuntary dwelling" which is exempt from mezuzah according to Torah law. Nevertheless, a mezuzah was still placed there in order that people not say, "the Kohen Gadol is locked in jail." The Chachomim held that an involuntary dwelling is obligated to have a mezuzah. Therefore the Lishkas Parhedrin required a mezuzah according to Torah law.

Since the halacha follows the Chachomim, it seems to be a proof from here that an involuntary dwelling such as a jail cell is obligated to have a mezuzah. However, some Acharonim held that only an involuntary dwelling is obligated to have a mezuzah, but an actual jail cell is exempt (Birchei Yosef 286:4, R' Akiva Eiger ibid, s.k. 1).

What is the difference between the two? R' Elyashiv *shlita* explains that even if a person is forced to stay inside his home, it is still considered a dwelling place designed for his comfort and convenience. Such was the case with the Lishkas Parhedrin. It was a home like any other, though the Kohen Gadol was forbidden to live elsewhere.

A jail, on the other hand, is not designed to service its occupants. Just the opposite, it is designed to entrap them and prevent them from escaping. This is not considered a home that is obligated in mezuzah (Haaros L'Maseches Yoma).

It comes out that we have a machlokes Acharonim whether a jail cell is obligated to have a mezuzah. If we were to give the Kovna ghetto the status of a jail, then it would be subject to this machlokes. However, R' Osheri added that according to even if a jail cell is obligated in mezuzah, perhaps this applies only to prisoners who are sentenced to extended stays. If a Jewish prisoner is sentenced to only a short stay in jail, then his cell has the status of a "temporary dwelling" which is exempt from mezuzah (Birchei Yosef ibid). The Jews in the Kovna ghetto also considered themselves temporary residents, since they did not know what terrible fate awaited them from one day to the next. Therefore, they might be exempt from mezuzah.

דף יב שלא יאמרו כהן גדול חבוס בבית האסורים

The Tax Rebate

Our Sages tell us that on Rosh Hashana, Hashem decrees how much money each person will receive over the course of that year. However, the money he spends for Shabbos and Yom Tov needs, and for the schooling of his children in Torah study, is not entered into account. Any money he spends for these mitzvos will be returned to him (Beitza 16a). Some say that the same applies to money spent in performance of any mitzva. Hashem will return the money he spent for mitzvos.

Reuven, a newly observant Jew from Leeds, had the opportunity to see this assurance fulfilled in a most wondrous and immediate manner. As he became more and more interested in Torah observance, he came to the realization that whether he could afford it or not, he needed a pair of tefillin and several mezuzos for his mother's home. The cost was four hundred and twenty six pounds, which was the majority of his monthly salary; a sum that he could hardly afford. Nevertheless, he placed his trust in Hashem and made the purchase.

The very next day he went to his mother's house for Shabbos and found waiting for him a letter from the Inland Revenue, the British income tax office. He grimaced as he opened the letter, knowing full well that it could only be a bill for more money. To his surprise he found that they had credited him

נר ה'
נשמת אדם

IN MEMORY OF
מורנו הגה"ח רבי שמואל צבי קובלסקי ז"ל
בן הר"ר בנימין ז"ל נלב"ע כ"ג סיון תשנ"ג
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with a tax rebate of exactly four hundred and twenty six pounds. He was thunderstruck. He had not even applied for a tax rebate. He showed the letter to his friends, both religious and otherwise, and all were equally amazed. This was the exact amount of money he had spent on tefillin and mezuzos just a day before.

With heart full of gratitude to Hashem, he went out and used the money to buy an amplifier for his electric guitar. After mentioning this purchase to one of the non-religious students at school where he taught, the student said, "Wouldn't it have been smarter to use the money for another mitzva?"

The Mezuzah on the Door

Once a *meshulach* from a yeshiva in Eretz Yisroel traveled to South Africa to raise money for his yeshiva. He had a list of certain wealthy philanthropists to visit, and after he finished his meetings, he took to going from door to door in the Jewish neighborhoods. Whenever he saw a door with a mezuzah, he would knock and introduce himself. He would then give a short speech about the importance of learning Torah and supporting Torah, and then ask for a donation. Sometimes his efforts were rewarded generously, and sometimes less so.

On one occasion, he found a door with a mezuzah and knocked on it. The door was opened by a man with no yarmulke, who seemed to be entirely unobservant of Torah and mitzvos. However, encouraged by the mezuzah on the door, the *meshulach* delivered his speech and asked for a donation. He was rewarded by a modest gift, and then continued on his way. In the days that followed, the non-observant Jew considered the speech he had heard from the *meshulach*. He thought about Torah, and the importance of Torah to the Jewish people, and his own identity as a Jew. The thoughts kept circling in his mind, until finally he decided that he must learn more about his heritage.

He made arrangements to come to Eretz Yisroel and study in yeshiva, where he remained for

דף י'ב ורבנן לטעמיהו דאמרי סוכה דירת עראי בעינן ולא מחייב במזוזה

Replacing the Mezuzah on a Sukka Porch Door

Many apartments in Eretz Yisroel have sukkah porches with no roof overhead. In order to make use of the porch as a room during the course of the year, some people enclose it on all sides with walls, and put a sliding or folding roof on top. When Sukkos arrives, the roof is retracted, and kosher schach is put in its place. During the year, this room requires a mezuzah like all others. Does it require a mezuzah on Sukkos too?

The halacha follows the Chachomim on our sugya, who hold that a sukkah is exempt from mezuzah, since it is a temporary dwelling. Therefore, sukkah structures that are erected for the week of Sukkos and then taken down do not require a mezuzah (Shulchan Aruch O.C. 286:11). However, in this case the sukkah is part of a permanent structure. The room is used throughout the year; on Sukkos with schach, and the rest of the year with a roof. Therefore, perhaps it requires a mezuzah even on Sukkos.

This question is the subject of debate among Poskim. Some hold that it is obligated to have mezuzah even during Sukkos (Kitzur Shulchan Aruch 134:68; Mateh Ephraim 625:27; Mikdash Mi'at s.k. 37 citing Derch HaChaim; Teshuvos Arba'a Turei Even 14, cited in Shaarei Teshuva 626, s.k. 3). Others hold that even if the room is in use throughout the year, on Sukkos it is exempt, since from a halachic viewpoint a sukkah has the status of a temporary dwelling (Pri Megadim cited in Mishna Berura 626:10; Pri Chadash cited in Shaarei Teshuva, ibid; Bikurei Yaakov).

"Make and do not use ready made": According to the opinions that a sukkah porch is obligated in mezuzah for the entire year, but exempt on Sukkos, the question then arises whether one must remove the mezuzah every year after Sukkos and immediately return it to its place. Our Sages present a principle of *"taaseh v'lo min ha'asoi* – make and do not use ready made," in regard to tzitzis, sukkah, mezuzah and many other mitzvos. For example, one may not make a doorframe, attach to it a mezuzah, and then attach the doorframe to the house. The doorframe must first be attached to the house, and then the mezuzah attached to it. That is to say, the doorway must be erected, creating the obligation for mezuzah, before the mezuzah is attached. "Make a mezuzah" where an obligation exists, and do not have the mezuzah "ready made" and already attached before the obligation begins (see Rashi, Menachos 33a s.v. *Tali dasha*).

Here too, during the week of Sukkos the porch is exempt from mezuzah. After Sukkos the obligation begins again, but the mezuzah is already in place before the obligation returns. Therefore, this seems to be a violation of *taaseh v'lo min ha'asoi*. To solve this problem, the Pri Chadash requires the mezuzah to be removed after Sukkos, and then put it back in its place. Thus the mezuzah is affixed after the obligation begins.

Many Acharonim argue against this conclusion. They maintain that *taaseh v'lo min ha'asoi* means only that the mezuzah must originally be attached properly. In this case, since the mezuzah was originally affixed when the porch was obligated in mezuzah, there is no violation of *taaseh v'lo min ha'asoi*. Although the porch becomes exempt on Sukkos, and then obligated again after Sukkos, the mezuzah remains valid throughout all these changes.

Covering a Sukka when it begins to rain: A proof for this is brought from an accepted halacha in regard to schach. When placing schach on a sukkah there is also an issue of *taaseh v'lo min ha'asoi*. As we know, a sukkah built underneath a roof is possul. According to some opinions, if schach is placed on a sukkah beneath a roof, and then the roof is retracted, the sukkah is still invalid because of *taaseh v'lo min ha'asoi*; that is to say, when the schach was placed the sukkah was invalid. When the roof was removed, the sukkah was prepared "ready made." However, even according to this opinion, if one removed the roof, placed schach on the sukkah, and then it began to rain, he may return the roof to its place until it stops raining. Then he can retract the roof again. This is not considered *taaseh v'lo min ha'asoi*, since when the schach was first placed, the sukkah was kosher (Rema O.C. 626:3). When we apply this same reasoning to mezuzah, we find that the mezuzah on the sukkah porch need not be removed and returned to its place each year. Since it was kosher when it was first affixed, *taaseh v'lo min ha'asoi* does not apply (Arbaa Turei Even; Bikurei Yaakov 625 cites further proofs from hilchos tzitzis, and concludes that if one does wish to heed the Pri Chadash's opinion and replace the mezuzah after Sukkos, he should not recite a beracha).

Checking Mezuzos

Our Gemara is the source for a halacha in Shulchan Aruch (Y.D. 291:1) that mezuzos must be checked occasionally to ensure that they are still kosher. The Gemara tells us that mezuzos in private homes must be checked twice every seven years, whereas mezuzos on public buildings need only be checked twice every fifty years. This is standard procedure, assuming there are no extenuating circumstances. Understandably, if the mezuzos got wet or were exposed to any other harmful influence that could render them possul, they must be checked immediately (R' Chaim Kanievski, Mezuzos Beisecha 291, shaar hatzion s.k. 9).

When to check: The first question we must ask is when during the seven year period should the mezuzos be checked. Can they be checked twice during the first two years, and let that suffice for the following five years? Or perhaps the Gemara means that they should be checked every three and a half years. In Maseches Mezuzah (2:15), we learn that mezuzos on public buildings must be checked every twenty-five years. This seems to imply that on private buildings they must be checked every three and a half years (Parsha Sedura on Maseches Mezuzah s.k. 70; Sechel Tov p. 341).

Who should check: When checking mezuzos, one need not show them to a qualified sofer. The point here is not to determine whether the mezuzos were written properly; we can assume that they were checked for this purpose when the mezuzos were first written. Rather they are checked regularly to ensure that they were not erased by the effects of time. One need not be an expert to determine this (Pischei Teshuva ibid, s.k. 3).

Making a new beracha: When a person first attaches mezuzos to his door, he recites a beracha. When he takes down his mezuzos to check them, must he recite a new beracha before returning them to their place? The Aruch HaShulchan (Y.D. 289:4) rules that if he returns them on the same day he removed them, and did not let his mind wander from them in the interim, then no new beracha need be recited. This is similar to the case of a person who removes his tallis with the intention of putting it back on soon after. Since his attention did not wander from the tallis in the meantime, no new beracha need be recited.

R' Chaim Kanievski *shlita* (Parsha Sedura on Maseches Mezuzah, 70) asks why the Poskim did not choose to compare this to a contrary halacha in regard to tefillin instead. There we find that if a person removes his tefillin in order to relieve himself, he must make a new beracha when putting them back on. There, the Poskim explain that one is obligated to remove his tefillin. Therefore, it is considered an interruption in the mitzva, which requires a new beracha to be recited. Here too, one is obligated to remove his mezuzos to check them twice every seven years. It should also be considered an interruption, which requires a new beracha.

He answers that in regard to tefillin, one is obligated to remove them because it is forbidden to wear tefillin in the bathroom. Thus, an interruption is created in which one is entirely disconnected from the mitzva of tefillin. When he exits the bathroom and puts back on the tefillin, it is considered a new mitzva, which requires a new beracha to be recited.

Although one is obligated to remove his mezuzos to check them, this does not create an interruption in the mitzva. Even when the mezuzos are removed from the doors, the obligation of mezuzah still rests on the house. Therefore, when he finishes checking them and returns them to their place, it is not considered a new mitzva, but a continuation of the first mitzva, upon which a beracha had already been recited when the mezuzos were first put up.

Checking every Elul: The Mateh Ephraim (O.C. 581) writes that it is a pious practice to check mezuzos every Elul. The Yeshuos Malko cites from Sefer Zechira that regularly checking mezuzos is a segula for long life, protection, and brings about a blessing for good children.

דף יב/ב מלמד שטעונים גניזה

What to Do with a Temporary Aron Kodesh

The Poskim were often consulted about what to do with an Aron Kodesh that could no longer serve its purpose. This question took many different forms throughout the ages. On one occasion, a wooden Aron Kodesh in Hungary began to rot and a carpenter was called to repair it. He disassembled the pieces, cut out the rotten parts, and reassembled it. Only then did they realize that he had made the Aron Kodesh so small too contain the Sifrei Torah (see Machaneh Chaim I, 1).

many years. He grew in his understanding of the Torah, and his devotion to Hashem, until at last he merited to get married and build a proper Jewish home. Today he lives in Eretz Yisroel with his family. He shows tireless dedication to numerous tzedaka and kiruv causes, sets fixed times for Torah study, and the joy and radiance of Torah can clearly be seen on his face. All in the merit of the *meshulach* who saw the mezuzah on his door.

Yet, when he related this story to a close friend, he confessed that there was no mezuzah in the mezuzah case on his door in South Africa. He had put up a mezuzah case in order to show his solidarity with the Jewish community, but did not see it necessary to put a mezuzah inside. Later, the friend told this story to a certain Chassidic Rebbe, who remarked, "It just goes to show you how important it is to maintain a Jewish identity."

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Sincerely,

The Meoros Staff

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פנינים

יא/א שלוחי מצוה אין ניזוקין

A Messenger for Kibbud Eim

The Gemara tells us that messengers sent to perform a mitzva merit special protection that no harm will befall them. With this intention, Rivka Immeinu commanded Yaakov to flee to Lavan's house. Since he was fulfilling the mitzva of honoring his mother, he would be guarded from Eisav (Arvei Nachal, Parshas Vayishlach).

יא/ב למען ירבו ימיכם

Long Life and Protection

In his introduction to the halachos of mezuzah, the Tur (Y.D. 285) describes the great benefit of this mitzva. Firstly, he writes that one merits long life as a reward for attaching mezuzos to his doors, as the possuk states, "Write them upon the mezuzos of your house and upon your gates, in order that your days and the days of your



children should be lengthened" (Devarim 11:21). Even greater, he adds, is that mezuzah protects one's home, as we find in the story of Unkelos the Ger. Unkelos told the Roman soldiers that whereas a mortal king sits in his palace while his soldier guard him from outside, Hashem lets his subjects sit in their homes, and He guards them from outside (Menachos 33b).

The Poskim are all astounded by the Tur's implication that the protection of one's property is a greater reward than the protection of his life. Why does the Tur write that the second reward is the greater of the two? Among the many explanations offered, the Bach suggests that length of days is a reward for the mitzva. However, the protection of the home is not so much a reward but a natural consequence of the mezuzah. The Name of Hashem written upon the doorposts of the Jewish people by its very nature offers protection.

The Tur did not mean to see that the protection of property is greater than long life. Rather, he meant to highlight the greatness of the mezuzah, that in addition to the reward of long life, one benefits from the natural result of protection that is inherent in the mezuzah.

יגא רבי יהודה אומר אף אשה אחרת מתקנין לו

The Kohen Gadol and his Wife

In our sugya we learn that the Kohen Gadol was forbidden to perform the Yom Kippur service if he was unmarried. Similarly, the Zohar Chai writes that an unmarried man should best not be a shaliach tzibbur to lead davening. The Kozhnutzer Maggid zt"l was seventy years old when his wife passed away and considered it unnecessary to remarry. The Chozeh of Lublin sent him a message that all his prayers on the Yomim Noraim and indeed on every day since his wife passed away, were entirely darkened and unfit. Therefore the Chozeh instructed the messenger to demand in his name that the Maggid remarry. The Maggid immediately complied and remarried (Mevasser Tov: Zechus Nashim Tzidkonios II, p. 155).

On another occasion, a community in Berlin had so many Sifrei Torah that they could not fit them all in their Aron Kodesh. They planned to build a new, larger Aron Kodesh, but asked what could be done to respectfully dispose of the old one (Melamed L'hoil I, 18).

The Taz (O.C. 154 s.k. 7) relates the tragic case of a community whose shuls were destroyed by vandals during a pogrom. The community did not have enough money to rebuild the shuls in their former glory. Therefore, they built a smaller, simple Aron Kodesh to use temporarily, until they could collect enough money to build a fancier one. After they had succeeded in building their new Aron Kodesh, they asked what should be done with the smaller, temporary one, which was no longer in use.

In all these cases, the common question is what should be done with an Aron Kodesh that is no longer fit to serve its purpose. The gabbai of a certain shul suggested that the old Aron Kodesh be used as a bookshelf to store other seforim in the shul. However, we have a general rule that items designated for use on a high level of kedusha, may not be relegated to a lower level (Megilla 25b). Thus, an Aron Kodesh designated to hold Sifrei Torah, may not be used to hold other, less holy seforim.

The Taz (ibid) presented a novel idea, that perhaps this principle applies only as long as the item in question is still fit for its original function. In such a case, it may not be used for a less holy purpose. However, once an Aron Kodesh is no longer fit for storing Sifrei Torah, it may be used for storing seforim. This is preferable to putting it in geniza, and not using it for any purpose at all. Therefore, the Taz permitted making the old Aron Kodesh into bookshelves to store the shul's seforim.

This ruling was the subject of heated debate among later Poskim. The B'chor Shor directed many pointed questions against the Taz's conclusion. Due to these unanswered questions, the Mishna Berura refrained from citing the Taz in halacha (see Shaar HaTzion 23).

One of the B'chor Shor's questions is drawn from our own sugya of the Kohen Gadol's garments. The Gemara learns from the possuk, "And he shall take off the linen garments that he wore when he entered into the Kodesh, and place them there" (Vayikra 16:23) that the white clothes worn by the Kohen Gadol only on Yom Kippur may not be used again next year. Some Tannaim understood that the clothes could not be worn again by the Kohen Gadol, but the ordinary Kohanim could wear them. (The clothes worn by the Kohen Gadol on Yom Kippur were the same as those worn by the other Kohanim throughout the year). However, the halacha follows Rebbe, that the Kohen Gadol's white garments from Yom Kippur must be placed in geniza. They may not be worn by ordinary kohanim, since items designated for use on a high level of kedusha, may not be relegated to a lower level. Although the clothes are no longer fit for use by the Kohen Gadol, this principle still applies. This seems to be a clear proof against the Taz's assertion.

Another proof against the Taz can be found in Menachos (32a), where the Gemara states that a Sefer Torah or tefillin that got worn out may not be used for a mezuzah. The Gemara explains that items designated for use on a high level of kedusha, may not be relegated to a lower level. Here again we see that this principle applies even though the Sefer Torah is not fit for use.

Other Acharonim accepted the Taz's ruling (Chavos Yair; Mekor Chaim 154 s.k. 7; Magen Giborim ibid, s.k. 1; Or HaChaim in Rishon L'Tzion, Megilla 26b; Mahari Assad, 30; Machaneh Chaim I, 1; Maharsham IV, 57, see also I, 10:12; Keren L'Dovid O.C. 9, et. al. – see Piskei Teshuvos II, 154 footnote 152). They answered the questions against the Taz by distinguishing between items such as Sifrei Torah, tefillin, and the clothes of the Kohen Gadol that are themselves kadosh, and an Aron Kodesh, which is only *tashmish d'kedusha* (an accessory to kedusha).

The Keren L'Dovid (ibid) explains that the principle of not relegating kedusha to a lower level applies both to kadosh items themselves, and to *tashmish d'kedusha*. However, in regard to kadosh items this is a Torah prohibition, whereas in regard to *tashmish d'kedusha* it is only a Rabbinic prohibition. Since it is a Torah prohibition to relegate kadosh items to a lower level, the Taz's justification does not apply. There is no excuse for lessening their sanctity.

However, the prohibition against relegating *tashmish d'kedusha* to a lower level was designed only to prevent them from being disgraced. In the cases discussed above, the Aron Kodesh can no longer be used to store Sifrei Torah. It would be a greater disgrace to place an Aron Kodesh in geniza, then to use it to store seforim.