

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 למגיד שיעור דף היומי בראשות הגר"ד קובלסקי שליט"א וע"י קרן ברכה ומוטי זיסר

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מסכת יומא י"ח- כ"ד

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דף יח/ב משביעין אנו עליך...

The Kohen Gadol's Oath

During the era of the second Beis HaMikdash, the cult of the Tzadukim made great inroads into the Jewish people, attracting many people to their heretical faith. The Tzadukim believed in the Written Torah, according to their own warped interpretation, but did not accept the Oral Tradition of the Sages. Among the many disputes in halacha that arose between the Tzadukim and the Sages was how to offer the ketores in the Kodosh Kodashim on Yom Kippur. The Tzadukim interpreted the possuk, "Do not come at all times into the Kodosh... for in a cloud [of ketores smoke] I will appear upon the *Kapores*" (Vayikra 16:2) to mean that the ketores should first be lit, before the Kohen Gadol enters the Kodosh Kodashim. However, the Sages understood that the ketores must first be brought into the Kodosh Kodashim and then lit.

Beis Din needed to take precautions to ensure that the Kohen Gadol offered the ketores properly, since even he was suspected of secretly being a follower of the Tzadukim. On erev Yom Kippur they would require him to take an oath (*shavu'ah*) that he would offer the ketores according to the authentic Oral Tradition, as the Sages instructed.

What benefit is the oath? This raises two perplexing questions. Firstly, if the Kohen Gadol truly was a Tzaduki, why would he hesitate to take an oath? The Gemara tells us that an oath to transgress a mitzva is not binding. According to his own twisted reasoning, the Torah commands him to light the ketores first and then enter. Even if he were to make an oath to do otherwise, the oath would not be binding.

An oath to transgress a mitzva: The Chasam Sofer (O.C. 176) answers that there is no explicit possuk stating that an oath to transgress a mitzva is not binding. Our Sages understood this to be true based on the principles of the Oral Tradition. The Tzadukim who rejected the Oral Tradition, denied this principle as well. According to their misguided opinion, an oath to transgress a mitzva is indeed binding. Therefore, if a Tzaduki Kohen Gadol made an oath to offer the ketores as the Sages instructed, against what he believes to be halacha, he would feel obligated to fulfill his oath.

Oaths during the Ten Days of Teshuva: Our second question, which is a point of discussion among many Acharonim, is how they could force him to take an oath during the Ten Days of Teshuva. Beis Din must not impose an oath or a *cheirum* during the days between Rosh Hashanah and Yom Kippur (Rema, O.C. 602:1).

The source for this ruling is from the Maharil (Minhagim, p. 304) who writes that once during the Ten Days of Teshuva, someone made an inquiry in shul about a lost object that had not been returned. He placed a *cheirum* on anyone who knew of its whereabouts but did not reveal them. The Maharil was greatly angered by this incident, insisting that a *cheirum* must not be imposed upon a person during the Ten Days of Teshuva, when our very lives hang in the balance. Even if a person is obligated to take an oath in Beis Din, he must wait until after Yom Kippur.

Making a false oath is so severe, that not only is the offender punished, but the entire world is punished along with him (Shavuos 39a). During the days of judgment, we do not wish to incur this penalty upon the Jewish people (Taz ibid, s.k. 1; Biur HaGra ibid, 8). Yet, our Gemara seems to contradict this ruling. Beis Din did impose an oath on the Kohen Gadol on erev Yom Kippur.

Some Acharonim answer that Beis Din may not force someone to take an oath, but if he willingly volunteers to do so he may (Beis Sha'arim, O.C. 289 s.v. *V'ain*). However, the Chasam Sofer (Teshuvos, C.M. 77) rejects this conclusion. Since a false oath is a threat to the entire world, we do not permit anyone to make an oath in Beis Din, and thereby endanger us all.

R' Amram Blum (Beis Sha'arim, ibid) found three different answers to resolve this question.

The Best Business in the World

This week, the Meoros Daf Yomi office in Bnei Brak received an inspiring letter from R' Mordechai Blass, a daf yomi maggid shiur in Yerushalayim. In his letter, he tells of an incident that occurred many months ago, when daf yomi began learning Maseches Pesachim. One Friday night after davening, he approached a friend of his in shul and invited him to join in the daf yomi shiur for the beginning of Pesachim. For quite a while he had considered inviting him to join their shiur, but for some reason had never found an appropriate opportunity.

His friend showed keen interest in joining the shiur, but was plagued by the same problem many of us suffer. "I don't have the time," he said. However, since the next day was Shabbos, and he was not burdened by his hectic work schedule, he decided to sit in on the shiur. Within just a few minutes, he was enthralled by the vibrant atmosphere that reigned in the shiur. The members discussed ideas, argued among themselves, and he too joined in their discussions. After just one shiur, he was sold. He decided to make the extra effort to attend the shiur again on Sunday, despite his time constraints. One day led to the next and he became a regular member of the shiur.

A few months later, as Maseches Pesachim reached its siyum, he approached R' Mordechai and

IN MEMORY OF

הר"ר **יחיאל שיפמן** ז"ל ב"ר שלום מרדכי ז"ל

נלב"ע ג' תמוז תשמ"ח ת.נ.צ.ב.ה.

הונצח ע"י נכדו ידידנו הר"ר **יעקב ישראל שיפמן** ומשפ' שיחי' פלטבוש

נר' ה'

נשמת אדם



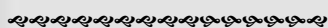
said, "I simply must tell you about the profound change that has occurred since I joined the shiur. Do you remember that first Friday night when I told you that I didn't have time to join the shiur? It was absolutely true. I did not have time. I have a hectic work schedule during the week, and an hour break for a shiur in the middle of the day could very well cost me thousands of shekels in lost business. Furthermore, the exact hour that the shiur takes place is the hour in which I make my pick ups and deliveries at the homes of my clients. This is the hardest and most important part of my job, and often entails my driving from one end of the city to the other, an exhausting process."

"To my utter amazement, when I made the jump to join the shiur, two sudden changes occurred in my work schedule. Firstly, my work orders began to come from concentrated areas of the city. Secondly, I began getting much bigger orders. Instead of having to drive for hours from one end of the city to the other, I made my rounds in a fraction of the time, with much greater profits, and still had time to spare to learn," he concluded.

When the shiur celebrated their siyum on Maseches Pesachim, he completed it together with them, experiencing a true joy of Torah. He had found that the business of Torah is the most profitable of all, both in this world and the next.

"R' Nechunia ben Hakana said: Anyone who accepts upon himself the yoke of Torah is freed from the yoke of the government and the yoke of earning a livelihood" (Pirkei Avos 3:5).

The Bartenura and Rabbeinu Yona explain that one will not need to invest exhausting labor to earn his livelihood, since he will find blessing in the work of his hands and joy in his portion.

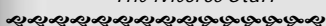


Dear Readers,

Meoros Daf HaYomi is interested in hearing your comments, criticisms and suggestions, in order to improve the quality of our newsletter. Please contact us at: daniel@meorot.co.il

Sincerely,

The Meoros Staff



Firstly, the Maharil's custom applies only when it is possible to push off the oath until after Yom Kippur. In this case, the oath was necessary before Yom Kippur to ensure that the Yom Kippur service was performed correctly. Secondly, in the monetary affairs between two individuals, we push off the oath until after Yom Kippur. However, the oath taken by the Kohen Gadol was relevant to the entire Jewish people. Therefore it could be made even before Yom Kippur. Thirdly, we may distinguish between an oath taken to affirm what has happened in the past, and an oath taken to commit oneself to the future. When a false oath is taken in regard to what has passed, the *aveira* of making a false oath is immediately transgressed. However, when an oath is taken in regard to the future, even if one does not intend to fulfill his oath, it is not yet considered an *aveira*. Only later when he fails to fulfill his oath, is the *aveira* transgressed. Therefore, the punishment is less severe.

Beis Din swore in the Kohen Gadol as a disclaimer: The Shoel U'Meishiv (III, 2:169) suggests a novel interpretation of the Gemara, which answers both our questions. He explains that Kohen Gadol served in the Beis HaMikdash as representative of the Jewish people. When Beis Din placed him under oath, they made a disclaimer that he only acted as their emissary in so far as he performed the Yom Kippur service according to their instructions, as they interpreted the Torah. If he did not fulfill these conditions, then he would not be considered a representative of the Jewish people, and would lose his authority to perform the Yom Kippur service on our behalf.

The Tzeduki Kohen Gadol would realize that if he did not follow their instructions, he would have no authority to offer the korbanos, and his entire Yom Kippur service would be invalid. Since it was not so much of an oath as a disclaimer that the Beis Din made, this does not contradict the Maharil's edict that oaths not be made during the Ten Days of Teshuva.

The Tzadukim were truthful: The Chazon Ish comments on our sugya that although the Tzadukim were sinful in denying the Oral tradition, this did not make them into entirely wicked people. There were certain issues in which they abandoned the path of the Torah to follow their selfish desires, and in these areas they could not be trusted. However, in the areas where they were not held suspect they could be trusted. They were never suspected to fail to uphold their oaths, and therefore even if the Kohen Gadol was a Tzaduki, he could be trusted to fulfill the oath placed on him by Beis Din.

דף כא/ב חמשה דברים שהיו בין מקדש ראשון למקדש שני... ארון וכפורת

Why Was There No Aron Kodesh in the Second Beis HaMikdash?

Before the destruction of the first Beis HaMikdash, the Aron Kodesh was taken from the Kodesh HaKadoshim. The Tannaim debate what was done with it. Some held that it was captured by Nevuchadnezar's legions, and carried off to Babylon. Others held that in anticipation of the Babylonian conquest of Eretz Yisroel, Yoshiyahu HaMelech hid the Aron Kodesh beneath the Beis HaMikdash to prevent it from being captured (see Tosefta, Shekalim ch. 2, cited below 53b). The Rambam (Hilchos Beis HaBechira 4:1) accepted the opinion that the Aron Kodesh was hidden by Yoshiyahu. This is also implied in Yerushalmi Shekalim (6:1), where we find that the kohanim discovered where the Aron was buried beneath the Beis HaMikdash. However this may be, we know for certain that in the second Beis HaMikdash there was no Aron Kodesh. The Acharonim endeavor to explain why no new Aron Kodesh was made when Ezra rebuilt the Beis HaMikdash.

This question is essentially made up of two parts. Firstly, was it not necessary to build an Aron Kodesh for its own sake, to fulfill the possuk, "They shall make an Aron" (Shemos 25:10)? Secondly, did the Beis HaMikdash not require an Aron Kodesh in order to function?

In answer to the first question, they explain that the purpose of the Aron Kodesh was to contain the Luchos HaBris received on Har Sinai. Since the Luchos were hidden together with the first Aron, there was no point in building another Aron. Even according to the opinions (Bava Basra 14a) that a Sefer Torah was placed in the Aron along with the Luchos, the primary function of the Aron was still for the Luchos. Furthermore, it has been suggested that the Sefer Torah placed in the Aron was among those written by Moshe Rabbeinu himself. Since both that Sefer Torah and the Luchos were lost, there was no mitzva to build a new Aron Kodesh.

The vessels of the Beis HaMikdash: To answer the second question, we enter into a fundamental debate among the Rishonim over how to understand the mitzva to build the vessels of the Beis HaMikdash. We find in the Torah that Moshe Rabbeinu was commanded to build a Menorah, Shulchan and Aron for the Mishkan (which was later replaced by the Beis HaMikdash).

The Rambam (Sefer HaMitzvos, positive commandment # 20; see Rambam Hilchos Beis HaBechira,



פנינים

כ/ב אמר אנא השם ונשמע קולו ביריחו

A Thunderous Amen

In Maseches Berachos, we find that in the Beis HaMikdash they did not answer "Amen" to berachos. Rather, they answered, "*Baruch Shem kavod malchuso*," to the berachos and every time Hashem's Name was said. In our own Gemara, we learn that the Kohen Gadol once called out Hashem's Name so loudly that his voice could be heard all the way to Yericho. The Minchas Elazar of Munkatch asked if the people in Yericho were then required to answer, "*Baruch Shem kavod malchuso*" or "Amen." Although the Kohen Gadol was standing in the Beis HaMikdash when he said the Name, they were not in the Beis HaMikdash when they heard it.

He answers based on testimony cited in R' Yaakov Emden's commentary to the siddur, that when the Kohen Gadol made berachos on Yom Kippur, the thunderous response of "Amen!" answered by the Jewish people was so loud that it knocked the birds off their perches on the treetops. Why did they not answer *Baruch Shem kavod malchuso*? It must be that the Jews standing outside the Beis HaMikdash who heard his berachos answered Amen instead (Divrei Torah, 5:58).

דף כא/א עומדים צפופים ומשתחוים רוחים

They stood crowded

Among the miracles that occurred regularly in the Beis HaMikdash, was that the Jewish people would stand tightly crowded together. Yet when the time came to bow down, each had enough space to lie flat on the ground and stretch out his arms and legs. "When they stood they were crowded, and when they bowed they had space," the Gemara says. A message can be learned from this about our relationships with other people. When we stand by our demands and refuse to compromise, we will find

ibid) understood that the mitzva to build these vessels was included in the general mitzva to build a Mishkan and a Mikdash. That is to say, each one served its own function, and had its own associated mitzvos: lighting the Menora, placing lechem hapanim on the Shulchan, and so on. However, in addition to these mitzvos, there was also a separate mitzva to build the vessels. The mitzva to build the vessels was not in order to fulfill their own mitzvos, but in order to complete the Mikdash.

The Ramban (Gloss on Sefer HaMitzvos, p. 33) argues and maintains that building the vessels was not part of the mitzva to build the Mikdash. "Furniture is not part of a house (*I'havdil*)," he explains. Rather, the mitzva to build the vessels was in order to fulfill the mitzvos associated with each one. The Menora was built to be lit, the Shulchan was built to have *lechem hapanim* placed upon it, and so on.

According to the Ramban we can well understand why no Aron was built for the second Beis HaMikdash. The mitzva to construct an Aron is only in order to fulfill its purpose of placing the Luchos inside. If there are no Luchos, then there is no mitzva to build an Aron.

However, according to the Rambam, the mitzva to build the vessels was not in order to fulfill their purpose, but to complete the Beis HaMikdash. Why then was the Aron not built to complete the Beis HaMikdash? The commentaries go so far as to suggest that without the vessels, the entire Beis HaMikdash may be possul (see Yerushalmi Shekalim 4:4; Gloss on Minchas Chinuch 95:7; Chasam Sofer Y.D. 236).

Aron Ha'Eidus: R' Meir Simcha of Dvinsk (Meshech Chochma, Parshas Teruma) explains that upon investigating the pesukim in which Hashem commands us to build the Mishkan and its vessels, we notice that the "Aron" is not elevated to its status as "*Aron Ha'Eidus* – Ark of the Testimony" until the Luchos are placed inside. The possuk states, "And inside the Aron you shall place the *Eidus*" (Shemos 25:21). In this respect, the Aron is different from all the other vessels. Even the Rambam agrees that it was not necessary to build an Aron to be left empty, since an empty Aron is not considered an Aron at all.

For this reason, when describing the mitzva to build the Beis HaMikdash and its vessels, the Rambam omits any mention of the Aron Kodesh: "The seven vessels of the Beis HaMikdash must be made: the Mizbei'ach, the ramp, the sink, its base, the Mizbei'ach for ketores, the Menora and the Shulchan" (Beis HaBechira 1:6). Unlike the other vessels, the Aron is not considered part of the Beis HaMikdash, and the Beis HaMikdash is complete even without it (Ma'atikei Shmu'ah II, 112-113 citing R' M. Soloveitchik; Igros HaGrid, p. 181).

דף כב/א רצין ועולין בכבש

Awarding Mitzvos by Lottery

In our Mishna we learn that the kohanim vied for the privilege to perform the mitzva of *terumas hadeshen*: removing a shovel full of ashes from the Mizbei'ach in the morning. In order to maintain peace in the Beis HaMikdash, a lottery was instituted in which each kohen had an equal chance to win this privilege.

In an attempt to apply this Mishna to practical halacha, the Poskim question whether it is appropriate for us to also make a lottery to determine who should be able to perform a mitzva. For example, the Beis Yehuda (O.C. 58, cited in Shaarei Teshuva O.C. 482) discusses a case in which two Jews are locked in jail together for Seder night, and there is only one kazayis of matza between them. If they were to divide it, each would receive less than a kazayis and neither would fulfill the mitzva. Therefore, one must eat it all – but who? Perhaps we can compare this case to our Mishna, and they should throw lots to determine who will get the mitzva, just as the kohanim did.

The Beis Yehuda rejects this comparison. A kohen who conceded to his fellow the right to perform *terumas hadeshen* cannot be accused of forsaking the mitzva, since the obligation of *terumas hadeshen* did not rest on any particular kohen. Rather, it was a communal responsibility to make sure that this mitzva was accomplished. Therefore, when the struggle to claim the mitzva became too heated, it was only appropriate to institute a lottery. However, in the case of the two Jews in jail, each one has his own obligation to eat matza. By no means should he yield his mitzva to allow another to perform it in his place. Rather, each must do his best to claim the matza for himself, even by show of force if necessary.

The Shaarei Teshuva (482) cites this ruling and explains that if the matza belongs to them both, then claiming it by force is like stealing, and one cannot fulfill his obligation with stolen matza. Rather, the Beis Yehuda discusses a case in which it has no owner, and both inmates wish to claim it. In this case, the Shaarei Teshuva agrees that each person should do his best to claim it for himself. This is similar to the case in the Gemara wherein two people are lost in the desert with only enough water for one of them. "Your own life comes first," ruled R' Akiva, and one should keep the water for himself (Bava Metzia 62a).

Yaakov and Boaz: The Shaarei Teshuva cites two examples of this principle from Tanach. Firstly, we find that Yaakov did all that was in his power to claim the birthright from Eisav, in order that his own descendants would be able to serve in the Beis HaMikdash. Also, when Boaz saw with *ru'ach hakodesh* that David HaMelech was destined to be born from Ruth, he told her other potential suitor that she was from the nation of Moav in order to discourage him from marrying her. He wished to



ourselves uncomfortably crowded by the needs of others. But when we humbly bow to others and their needs, we will find ourselves much more comfortable with their company.

כא/א מקום ארון אינו מן המדה

The Aron Took Up No Space

The Gemara tells us that the Aron Kodesh miraculously took up no space. The Kodesh Kadoshim measured twenty amos from wall to wall. When the Aron was placed inside, it still measured ten amos from the Aron to one wall, and ten amos from the Aron to the other wall, even though the Aron itself was ten amos long.

The Ben Ish Chai explains that this comes to teach us that the Torah will never cause us any lack in our lives. The money that we spend for Torah will certainly be restored to us. This is as the Gemara teaches that all the money we are meant to receive over the course of the year is determined on Rosh Hashana. However, the money we spend for our children's Torah education is not entered into account. Any money we spend on Torah will be returned to us (Ben Yehoyada).

כב/ב אלא אם כן קופה של שרצים תלויה לו
מאחור

Community Leaders

We find in our Gemara that a person should only be appointed as a community leader if he has a proverbial "box of rodents on his back": signifying that he has some disgraceful issue in his history. The Meor V'Shemesh explains that a perfect tzaddik who has never sinned cannot relate to the difficulties we all endure when fighting the yetzer hora. A leader who is imperfect, and works to fix his mistakes and improve himself through teshuva can be a better role model for us to follow (Meor V'Shemesh, Parshas Beha'aloscha).

marry her himself, in order to merit this privilege for his own descendants. From both of these cases we learn that we are not meant to be magnanimous with mitzvot. We should do all that is in our power to claim them for ourselves.

Two halves of a kazayis: The Shaarei Teshuva cites a case in which two people each have half a kazayis of matza. Neither one would be able to fulfill the mitzva alone. In such a case, they should make a lottery to determine who should give his half to the other. Thereby, one will be able to fulfill the mitzva, and the other will at least have the privilege of enabling his fellow to perform the mitzva. This is also a great merit, as we find with the partnership between Yissachar and Zevulun. Yissachar had the merit to learn Torah, and Zevulun had the merit to enable him to do so, by supporting him financially.

In this case, it is not considered disrespectful to the mitzva to allow another person to take it, but it is in fact admirable to do so. Although he is unable to perform it himself, he does his best to allow another person to perform it in his place.

Giving one's time to teach others: In a closely related sugya, the Poskim ask if one is meant to sacrifice from his own set time for Torah study in order to teach others. In this case, he gives up his own advancement in Torah in order to advance others. Is this a proper thing to do?

The Chasam Sofer (Toras Moshe, Parshas Kedoshim s.v. V'ahavta) cites R' Akiva's well known adage, "Love your neighbor as yourself" is the general principle in Torah. In Torah study, he explains, one must apply the rule of 'Love your neighbor as yourself,' and sacrifice his time to teach others. However, in worldly matters he need not, as R' Akiva taught, "Your own life comes first" (Bava Metzia 62a): one should keep the water to save his own life.

Tithing time: R' Moshe Feinstein (Igros Moshe, E.H. IV 26:4) argued that one should not sacrifice his own advancement in Torah for the good of others. Rather, he should apply the same principle found in giving tzedaka. One should give between a tenth and a fifth of his income to tzedaka, but no more, in order that he not become poor himself. The same is true with time. One should donate some of his time to teaching others, but not so much as to compromise his own advancement in Torah. It stands to reason, he concludes, that one should dedicate a tenth or perhaps even a fifth of his time to spreading Torah to others.

דף כב/א בראשונה...

Terumas HaDeshen in the Third Beis HaMikdash

When the Beis HaMikdash stood, the mitzva of *terumas hadeshen* was a highly desired privilege among the kohanim. At first, the kohanim were allowed to vie among themselves for the privilege. They would race towards the Mizbei'ach, and whoever was first to reach within four amos claimed the privilege to perform the mitzva. After several unfortunate incidents occurred in which kohanim were hurt or even killed during these races, it was decided that *terumas hadeshen* should be awarded by lottery instead.

It is interesting that the Gemara goes into great detail to describe this race. Generally, the Gemara focuses on matters of halachic relevance (see above 5b; see also Rosh, Chullin 1:23). Now that the race to perform *terumas hadeshen* has been replaced by a lottery, what practical relevance does the race have to us?

Some explain that when the third Beis HaMikdash is built, the lottery for *terumas hadeshen* will not be reinstated. Rather, the kohanim will once again be allowed to race for the privilege. In this world, we are plagued by the negative traits of jealousy and competition. Therefore, the race for *terumas hadeshen* posed a great danger. However, after Moshiach arrives the world will be purified from these traits, and the race for *terumas hadeshen* can again be performed without fear of harm befalling the kohanim.

However, the Rambam rules that *terumas hadeshen* is awarded by lottery, seeming to imply that even after Moshiach arrives and the Beis HaMikdash is rebuilt this procedure will still be used. Some explain based on the Keren Ora (Menachos 65), who writes that wickedness will not be completely swept from the world immediately upon Moshiach's arrival. Until mankind reaches perfection of character, the lottery will still be used.

Yet, the Rambam makes no mention of the race for *terumas hadeshen*. He should have explained that the lottery will be used at first, but afterwards it will be replaced by the race.

R' Elyashiv *shlita* explained based on a debate in Maseches Shabbos (63a) over what will transpire in the era of Moshiach. Some hold that the prophecy, "Nation will not wield sword against nation," applies to the days of Moshiach, when man and his character traits will be purified, and there will be no more war or strife in the world. Others explain that this and similar prophecies apply to the ultimate future of the World to Come, which will be ushered in only after the era of Moshiach. According to the Amora Shmuel, there is no difference between our own era and the days of Moshiach save that we will no longer be subjugated by the nations. However, mankind and all our character traits, both noble and base, will remain the same.

The Rambam rules according to Shmuel (Hilchos Melachim 12:1-2). Therefore, he holds that the lottery will still be necessary even in the era of Moshiach (see Shalmei Sara 283, p. 534).