

# DAF YOMI SUMMARY

פרשת דברים  
שבת קלב - קלח

OUR SHEET IS DEDICATED TO THE REFUAH  
SHLEIMAH OF ALL THOSE INFECTED BY THE CORONAVIRUS.  
MAY HASHEM KEEP EVERYONE STAYING AT HOME, SAFE AND WELL!

SHABBAT SHALOM!!

## BRIT MIX UP

THANKS TO RABBI ELLI AUSUBEL

discusses the case of a mohel who has to do a **ברית מילה** for two babies; one whose proper time for a Bris is on **שבת**, and one whose proper time for a Bris is on either Sunday or Friday. The mohel mistakenly does the Bris of the Friday/Sunday baby on Shabbat.

In one version, Rav Huna explains that all opinions agree that the mohel is **חייב** a **חטאת** if he performed the Bris of the Sunday baby on Shabbat (the baby's seventh day), but if he brisbed the Friday baby on Shabbat (the baby's ninth day) then **ר' אליעזר** says he is **חייב** a **חטאת** and **ר' יהושע** says he is not.

The **גמרא** discusses why one would be exempt from a **חטאת** in this case. Isn't this the standard case of **שוגג**, where a person thinks something is permitted to do on Shabbat and does it, only to find out afterwards it was a **melacha**? So too, in our case, the mohel thinks he is brisbing the baby whose 8th day fell on Shabbat, which is allowed, but in actual fact is brisbing the baby whose 8th day fell on Friday which is not allowed. Why should he be **פטור** from a **חטאת**?

Rashi on the **משנה** alludes to the answer to this question. He explains the reason the Mishna has a case of two babies, one of whose Bris was actually due on Shabbat, is to teach us that the mohel is preoccupied with a mitzvah, i.e. he thinks he is brisbing the Shabbat baby. Therefore, according to the one opinion, this case is different from the other cases of **שוגג** because here the mohel is **במצוה**. He is so concerned with doing the mitzvah correctly that he accidentally forgets that the second baby's Bris was supposed to be on Friday and he does the Bris on Shabbat. This is the reason he is exempt from bringing a **חטאת**.

The **אחיעזר** as well as many other **אחרונים** want to understand the logic behind the concept of **טרדה דמצוה**, which makes the mohel exempt.

The **אחיעזר**, written by **עוזר גרונסקי**, one of the greatest **פוסקים** of his generation (1863-1940), gives two possible suggestions. The first is that it is a **גזירת הכתוב**, a decree from the Torah, that we learn from the **פסוק** by **עבודה זרה** (found in our Gemara), and the second answer is that it is logical, the logic being that if one is so concerned with doing a mitzvah correctly it is as if the mistakes they make are considered **אונס** (to be completely beyond their control).

The difference between these two options is to what extent to apply the **פטור**. Do we say that if a person transgresses a **חטאת** whilst **טריד** in a rabbinic mitzvah he is also **פטור** the **קורבן**, or do we

say only if he is **טריד** in a mitzvah **דאורייתא** can he be **פטור**?

If it is a **מצוה דאורייתא**, which cannot be extrapolated using logic, then you can only be **פטור** from a mitzvah if it is a **מצוה דאורייתא**, but if it is logic-based, then the **פטור** of **במצוה** should apply to any mitzvah, even a rabbinic one.

The **אחיעזר** wants to prove that both of his suggestions are true and that even logic-based extrapolation is correct, which will result in a great chiddush; that a person who, whilst preoccupied in a rabbinic mitzvah, transgresses **בשוגג** a negative commandment which carries the penalty of a **חטאת**, will be **פטור** from bringing the **קורבן**.

He proves this from a **גמרא** in **פסחים** that rules that a husband and wife who engaged in marital relations, only to discover that she became a **nidda**, are exempt from bringing a **חטאת** because they were **טרוד** **במצוה**. This is true even if their time together is only a fulfillment of the rabbinic mitzvah of gladdening one's wife. Therefore, we see that if one is **במצוה** even with a rabbinic mitzvah, they are not liable to bring a **חטאת**.

A valuable idea we can learn from this is the importance that the Torah gives to our thoughts and to our state of mind. Although one cannot generally perform a mitzvah without an action, we see from the concept of **טרדה דמצוה** that even though an action may not be viewed as a mitzvah per se by the Torah, the thought and sincerity behind it still have tremendous power.

Our thoughts have the power to affect us beyond the actions we do. It is therefore critical to monitor our inner dialogue and remember to be telling ourselves and focusing our minds on the things that count.

## GADOL OF THE WEEK - RAV ASHI

THANKS TO DAVID LIPSHITZ

If you think learning Gemara is challenging, then how about redacting it? Well, that is exactly what Rav Ashi did.

Rav Ashi, belonging to the 6th generation of Amoraim, lived in Sura, Babylonia (modern day Iraq) about 1600 years ago. Sura, together with Pumbedita and Nehardea, were the homes of the major Babylonian Yeshivot which gave rise to the Talmud Bavli.

At a young age Rav Ashi became the head of the Sura Yeshiva, making the Yeshiva the intellectual center of Jewish Bavel. Like Rabbi Yehudah HaNasi, the author of the Mishna, Rav Ashi, with his commanding personality and renowned intellect, managed to unite all learning, enabling him to compile the Gemara.

ברכות (63) Jan 5 2020	שבת (156) Mar 8 2020	עירובין (104) Aug 11 2020	פסחים (120) Nov 23 2020	שקלים (21) Mar 23 2021	יומא (87) Apr 13 2021	סוטה (65) Jun 9 2021	ביצה (39) Sep 2 2021	ראש השנה (34) Oct 11 2021	תענית (30) Nov 14 2021	מגילה (31) Dec 14 2021	חטאת (28) Jan 14 2022	הגיה (26) Feb 11 2022	יבמות (121) Mar 9 2022	כתובות (111) Jul 8 2022	דרים (90) Oct 27 2022	נזיר (65) Jan 25 2023	סוטה (48) Mar 31 2023	גיטין (89) May 18 2023	קידושין (81) Aug 15 2023	בבא קמא (118) Nov 4 2023	בבא מציעא (118) Mar 1 2024	בבא בתרא (175) Jun 27 2024	סנהדרין (112) Dec 19 2024	מכות (23) Apr 10 2025	שבועות (48) May 3 2025	עבודה זרה (75) Jun 20 2025	הוריות (13) Sep 3 2025	זבחים (119) Sep 16 2025	מכות (109) Jan 13 2026	חולין (141) May 2 2026	בכורות (61) Sep 20 2026	ערכין (33) Nov 19 2026	תמורה (33) Dec 26 2026	כריתות (27) Jan 24 2027	מעילה (36) Feb 20 2027	גיטין (72) Mar 28	SIYUM HASHAS Jun 7 2027
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**שבת קלג** (Friday 17 July)

With thanks

On Daf ב עמוד 1 קלג Aba Shaul interprets the pasuk "זה קלי ואנוהו" to mean we as human beings should try be similar to Hashem; just as He is merciful and compassionate, so too we must be merciful and compassionate.

Rabbi Moshe Cordovero expands on this idea of emulating Hashem's deeds in his book Tomer Devorah. The Tomer Devorah writes that man's actions should imitate the 13 Attributes of Mercy alluded to in

“מי אל כמוך נשא עון ועבר על פשע לשארית נחלתו לא החזיק לעד אפו כי חפץ חסד הוא”

a pasuk from Micah.

מי אל כמוך ישוב ירחמנו יכבש עונותינו ותשליך במצלמות ים כל חטאתם תן אמת ליעקב חסד לאברהם אשר נשבעת לאבותינו מימי קדם

Who is like you? This is the first attribute.

The Tomer Devorah writes that Hashem is a patient king who bears and tolerates insult in a manner beyond human understanding. For even when we sin against Him, He continues to sustain us during and after our sins.

So too, man should emulate the virtue tolerance, even if he is greatly insulted by a fellow man who he does good for, he should not withdraw his goodness from this person. "כי חפץ חסד הוא" - For he delights in kindness."

This is the 6th attribute. The Tomer Devorah explains that when the accusing angels are accusing Israel of the sins they have committed, Israel are defended by means of the kind acts they have performed and their sins are forgiven, as Hashem delights in kindness. So too, we must try emulate this in our conduct.

Even if one is aware that another person is evil towards him, and this angers him, if that person has a redeeming quality (for example, kindness to others), this should be sufficient for one to dissipate his anger and find the other person pleasing, i.e to delight in the kindness he does and not focus on the negative.

**שבת קלד** (Shabbat 18 July)

Thanks to Tal Nevies

The Mishna on Daf 134b discusses bathing an infant in hot water on Shabbat both before and after his Bris. How long the infant is considered critically ill is also discussed in the Mishna and Gemara.

In his shiur, Rav Rosner mentioned that our Gemara is related to the topic of "Ishtaphic Chamimeh" (the hot water spilling). Our Mishna has, in essence, said that one is able to do whatever they need for the baby whose Bris is that Shabbat.

The Rishonim ask the following question: If one warmed the water prior to Shabbat in preparation for the Bris, and then on Shabbat the hot water spilt, is one allowed to still do the Bris? In other words, is one allowed to have the Bris knowing that the baby will require water to be warmed on Shabbat (as it will be a case of Pikuach Nefesh), or

**שבת קלב** (Thursday 16 July)

Thanks to Hadran

Daf 132 concludes the long discourse about whether **מכשירי מצוה** - facilitators of a mitzvah - can be performed on Shabbat, and whether an actual mitzvah overrides Shabbat. Mitzvot including Shofar, Sukkan, Tefillin and Brit Milah are analyzed using the principles of verbal analogy, redundant language, common denominators and various levels of stringency as the Rabbis search for the origins of multiple rules. The Daf also analyzes whether any of these laws could be inferred from one another or if they each have to be taught independently.

Perhaps because of the historical backdrop of post Temple destruction and the splintering of the Sadducees, who were critical of the oral law, Chazal saw a need to mention the textual grounding of normative practices. They utilized rules applied to the text to provide sources for behavior and rituals. However, knowing these tools of learning were not enough, Chazal utilized a phraseology that doesn't have many precedents in the Talmud. In his discussion of a source for a particular halacha, Ulla, a Babylonian scholar who emigrated to Israel, states, "It is the halacha." Commentators assumed he was using a short phrase for the principle of **השכל הכלה**. Either way, it is clear that the Rabbis are seeking to anchor their practices.

The Daf concludes with the specific discussion of Shabbat and Brit Milah. There is a game of what trumps what, oscillating between the Temple service, Shabbat and leprosy. Interestingly, the components all have various sources of textual sources and traditions. Shabbat and Temple service, each representing our relationship with **בקה**, seemingly come out on top within the debate. However, it's their unique combination that provide our understanding, framework and observance of Shabbat today. Shabbat symbolizes our eternal covenant with the Master of the Universe, thus having omni significance.

do you say that the Bris should not be performed as doing so will lead to you needing to desecrate Shabbat? We have a principle that Pikuah Nefesh is docheh Shabbat, but is that only when the situation arises naturally or is one allowed to put themselves in a situation of Pikuah Nefesh intentionally, knowing it will lead to them desecrating Shabbat?

This is the subject of a machloket between the Baal Hameor and the Ramban. The Baal Hameor says if the hot water spills you need to wait until after Shabbat to perform the Milah. The Ramban says, "Ein mitzvah ela shito" - focus on the mitzvah in front of you now, you have a Bris to perform on the 8th day so perform it, worry about warming the water later.

A number of Achronim use this machloket when considering contemporary halachik questions. One example of this is Rav Moshe Feinstein z'l, in Igros Moshe, who tries to relate this machloket to a question he was asked: Someone with an infectious disease was sent into quarantine for a period of time, and he was told that everything he took with him into quarantine would need to be burned. Should he take his tefillin with him, knowing that he would need to eventually burn them, or should he forgo the mitzvah of putting on tefillin for a number of days? Rav Moshe Feinstein concludes that the cases are not similar, and paskens that the individual should not take their tefillin with them if it will result in the tefillin being burned (for further reading

<https://blogs.timesofisrael.com/r-moshe-feinsteins-three-replies-to-r-chaim-mednick-on-10-adar/>).

## שבת קלה (Sunday 19 July)

Thanks to Benny Last

Our Daf begins by echoing the Mishna on Daf 134b, that in a "case of doubt" we do not override Shabbat. We have learnt that a Brit Milah does override Shabbat, but only if it takes place on the 8th day. Now we are being told that in cases of uncertainty, the Brit Milah should not take place on Shabbat. The Gemara lists a few examples of "doubt" before bringing the following Braita: "We override Shabbat (for the Brit) of a child born in the seventh month, but not for a child born in the 8th month. If there is a doubt whether the child is born in the seventh or 8th month, we do not override Shabbat."

To begin, we need to get our fundamentals in place. Why shouldn't one do Brit Milah on Shabbat? Exactly what melacha is being transgressed? It seems from Rashi on Daf 107a, that injuring and causing blood to come out is a derivative of shechitah, slaughtering, which is forbidden on Shabbat. There are views suggesting other melachot, but it seems the majority follow Rashi.

Now back to our Braita. Why don't we do a Brit on Shabbat for a baby born in the 8th month? Because, in the time of the Gemara it was assumed that a baby born in the 8th month would not survive. (Tosefot on this Daf says that already in his days, Brit Milah was performed on Shabbat for an 8th-month baby, except in very limited circumstances). Rashi explained quite bluntly that this 8th-month baby is considered like a "meit", like someone no longer alive. But this begs the following question: we have learnt elsewhere that there

is no such thing as shechita on a "meit" - it doesn't apply. So, if the 8th-month baby is considered a "meit", and Brit Milah is normally considered shechita, then a Brit on an 8th-month baby on Shabbat is not transgressing any melacha, so it should be allowed.

The Gemara on Daf 136a will explain that this Braita is learning according to Rav Eliezer, who holds that preparations for a Brit are also allowed on Shabbat. This Braita says that when there is a doubt whether a baby is born in the seventh or 8th month, it is the preparations for the Brit that cannot override Shabbat.

The Gemara (both on קלה and קלו) discusses the distressing case of

## שבת קלו (Monday 20 July)

Thanks to Dr Leo Arkush

a newborn baby who dies within 30 days of his birth, in terms of whether he was considered to have lived at all, or alternatively, whether he was never considered to have been alive. Two specific cases are discussed: a baby who dies in an unrelated accident (falls from a roof, eaten by a lion), and a baby who briefly breathes following the birth and then dies.

The basis of this 30 day ruling, as discussed on דף קלה, was the contemporary assumption that a baby born in the 7th month of pregnancy would survive, while a baby born in the 8th month of pregnancy would not survive. One נפקא מינה cited is the case of a firstborn baby to a widowed mother, whether she is required to perform יבום or not.

Although not described as a נפקא מינה, the passage ends with two reports of אמוראים who sat shiva for their babies who had died within 30 days, and when challenged on their behaviour, they both retorted that they were certain that the baby was born at full term, i.e. there was no concern that they were born in the 8th month, which would have rendered the infant unviable according to the understanding in those days.

This ruling has modern-day ramifications for parents who face the tragic situation of losing a child during their first month of life (if the baby was born at full term, we would use the term אספק נפול), regarding burial and mourning in general, and the relatively modern day phenomenon of very premature babies, some of whom will not survive.

How long this period of נפל is relevant particularly when the infant's life is sustained by an incubator and other medical interventions.

Regarding parents who wish to sit shiva or take on דיני אבלות, the Rema (יורה דעה שעד:ו) says that no objection should be made for someone who wishes to be stringent on himself to mourn for someone he is not required to mourn for. Seemingly, the natural desire of parents to give expression to their mourning and sit shiva for their newborn baby is not at all novel, as we see from the two examples given in today's daf.

## שבת קלז (Tuesday 21 July)

Thanks to Marc Temerlies

Daf 137 - Brit Milah on Shabbat. Daf 137 deals with a number of inyanim related to the mitzvah of Brit Milah. The Mishna discusses the case of two babies born to one father - one was born on Friday and the other on Shabbat, and the father mistakenly circumcises the Friday baby (baby is > eight days old, but we don't desecrate Shabbat to perform the Brit); or if the two babies were born one on Sunday and one on Shabbat and the father mistakenly circumcises the Sunday baby (baby is not yet eight days old, there is no mitzvah of milah yet); is he obligated to bring a sacrifice for unwittingly desecrating Shabbat?

Rabbi Eliezer and Rabbi Yehoshua disagree in one of the cases and agree in the other, but it is not clear in which case do they agree, and whether they both agree that one is obligated or exempt. Three versions are brought in the Gemara. The underlying issue is thus: does the fact that one performed a mitzvah, or was involved in trying to perform a mitzvah, exempt one from bringing a sacrifice for desecrating Shabbat?

Another relevant topic is that one can perform Brit Milah validly sometimes on the 9th, 10th, 11th or 12th day after the birth and still be circumcising in its proper time. This is mainly driven by the doubt that arises when a baby is born during "Bein Hashmashot", twilight. If a baby is born during Bein Hashmashot, then we defer to the "9th" day, as it is preferable to perform the Milah late than to do an invalid Brit early.

So, if a baby was born during Bein Hashmashot around the time Shabbat comes in, we can't perform the Brit on the Shabbat (8th or 9th day) due to the doubt, and we postpone to the Sunday after (10th day, per Rashi), with further delays if the Sunday is Yom Tov, or Rosh HaShana (two days).

## שבת קלח (Wednesday 22 July)

Thanks to Dr Yardaena Osband - Talking Talmud Podcast

The Daf recounts a startling Tanaitic thought regarding the Rabbis who went to Kerem B'Yavneh, which was the location of the first Sanhedrin outside of Yerushalayim after Rabbi Yochanan Ben Zakai surrendered Yerushalayim to the Romans (Gittin 56). The Beit HaMikdash has been burned, the Jewish people are no longer in charge of their holiest city, and they are under Roman rule. Chazal is now tasked with rebuilding and maintaining the Mesorah that began with Matan Torah. Chazal share their fear that ultimately Torah will be forgotten by the people:

עתידה תורה שתשכח מישראל

Having seen the prophecies of the Neviim fulfilled, Chazal cites pesukim from Amos (8:11-12) describing how the word of Hashem will not be found by those who seek it.

Although the thought is based on an interpretation of Amos 8:11-12, it is striking to see how the Rabbis, while immersed in the vineyard of Yavneh and regrowing Torah, are still worried. They fear all their work will be for naught. They are overwhelmed with anxiety

that one day the Torah will be forgotten by Israel.

Yet the Daf ends with a machloket on this thought. The Gemara bring a Braita of Rabbi Shimon bar Yochai:

תניא רבי שמעון בן יוחי אומר חס ושלום שתשכח תורה מישראל, שנאמר  
כי לא תשכח מפי זרעו, אלא מה אני מקיים ישוטטו לבקש את  
דבר ה' ולא ימצאו, שלא ימצאו הלכה  
ברורה ומשנה ברורה במקום אחד

Rabbi Shimon bar Yochai, who spent 12 years in a cave hiding from the Romans and studying Torah day and night, declares that there is no way the Torah will ever be forgotten by the Jewish people. Rather, he foresees a future of machloket, multiple truths and opinions of Chazal. Rabbi Shimon bar Yochai cannot fathom how Torah would be forgotten, but does understand that the Torah of Yavneh will be different than the Torah of Yerushalayim, and that the days of having a אחד are no longer possible.

This Daf demonstrates for us that Chazal were aware that they were living in unusual times, striking a new path while worried about their future. Rabbi Shimon bar Yochai, however, comes to remind us that although the future may look different than the past, it will always be grounded in Torah.

## PINAT HALACHA THANKS TO RAV DANI SCHREIBER

**Question:** Sometimes on Shabbat I need to get a drink or wash my hands in the water fountain in the park, but I can see that the water will drip onto the grass. Is this a problem of zore'a (promoting plant growth)?

**Answer:** Washing your hands or drinking water in a way that will definitely spill water on the grass on your own lawn is definitely prohibited mi-d'Oraita, even if unintentional. This is known as a "psik reisha" - a permissible act (washing your hands) which inevitably and knowingly leads to a prohibited outcome (watering your grass).

However, you are talking about using the water fountain in a public park where, presumably, you are not interested in the growth of the grass. This would be considered a "psik reisha de-lo nicha lei/ichpat lei" - an inevitable prohibited result which you have no interest in. Ashkenazi poskim assume that this is still prohibited, albeit on a rabbinic level.

There may nevertheless be two mitigating factors in your case. One is that, in my experience, it often happens that the ground surrounding the water fountain has no grass because it's been destroyed by the excess water and stomping of children. In that case, there's nothing to water. The second is that the water may not be going directly from the fountain to the grass. If it is passing through a pipe or dripping down the fountain, then there is room to be lenient (Shemirat Shabbat Kehilchata 14:19, and see footnote 53).

It seems that the specifics of your case are pertinent to the question, and so you should consult directly with a Rabbi about your particular case.