

Daf Hashvua Gemara and Tosfos: Megila 23
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Daf 23a

New Sugya

The Gemara says: who is our Mishna like? It's not like R' Yishmael nor like R' Akiva. As we learned: R' Yishmael says: we have five Aliyos on Yom Tov, six on Yom Kippur, and seven on Shabbos. You can't subtract or add to this amount. R' Akiva says that you have five Aliyos on Yom Tov, seven on Yom Kippur and six on Shabbos. You can't subtract from this amount, but you may add to this amount. Who is the Mishna like? If it's like R' Yishmael, it's difficult that the Mishna allows adding Aliyos, and he forbids it. If it's R' Akiva, it's difficult which days have six and seven Aliyos.

Rava answers: it's the following Tanna who taught in R' Yishmael's Beis Medrish: R' Yishmael says we have five Aliyos on Yom Tov, six on Yom Kippur, and seven on Shabbos. You can't subtract, but you can add, to this amount.

The Gemara asks: if so, it seems to be a contradiction between two of R' Yishmael's statements? The Gemara answers: there are two Tannaim who argue what R' Yishmael held.

The Gemara asks: who is the opinion of the following Braisa? You come to Shul late on Yom Tov, and leave early. You come early and leave late by Yom Kippur. you come early and leave early on Shabbos. Let's say it's R' Akiva who holds that there is an extra Aliya on Yom Kippur. The Gemara answers: we can even say that it's R' Yishmael, and you spend more time on Yom Kippur (in Shul) since there is a lot to say about the Avoda of the day.

The Gemara asks: these three, five and seven (Aliyos) correspond to what?

Tosfos points out: however, they didn't ask "what does the six of Yom Kippur correspond to" until later. However, Tosfos asks: why doesn't the Gemara ask "what does the four Aliyos of Rosh Chodesh and Chol Hamoed correspond to?"

Tosfos answers: (they didn't need to tell us a source for it) since they held that, logically, having a Musaf is a reason to add an Aliya. However, it's not as simple to just add an Aliya on Yom Tov, Yom Kippur and Shabbos just because you're adding (a prohibition to do work), and Karies and stoning (respectfully) unless you find something for it to correspond to.

There is an argument between R' Yitzchok b. Nachmeinu and R' Shimon b. Pazi; one says it corresponds to Birchah Kohanim (that has three words in the first Pasuk, five words in the second, and seven words in the third). The other says it corresponds to the three watchers of the

basin, the five who greeted the king, and seven others who greeted the king. R' Yosef taught that it corresponds to the three watchers of the basin, the five who greeted the king, and seven others who greeted the king. Abaya asked; why didn't you tell us this until now? He answered: I wasn't aware that you needed this. Had you ever asked me anything and I didn't answer you?

Tosfos quotes Rashi: the king here refers to Achashveirosh. Tosfos asks: it's doubtful that the rabbis would enact something based on that wicked person. Therefore, R' Tam explains: we refer to those (three) mentioned in Sefer Yirmiya and the five written in Melachim. The Yerushalmi explain that the extra two (of the seven) not written in Melachim are the two stenographers of the judges.

R' Yaakov the Min asked R' Yehuda: the six Aliyos (of Yom Kippur) are corresponding to what?

Tosfos says that the true text should read Yaakov of 'Matzah.' After all, if he was a Min, they wouldn't mention his name to be Yaakov since the Pasuk says "the name of the wicked shall rot."

He answered: corresponding to the six who stood to the right of Ezra, and the six who stood on the left of Ezra. As the Pasuk says "Ezra the scribe stood on the wooden tower which he made to speak upon, and standing next to him was Matasya, Shama, Anya, Uriah, Chelkiya, and Masseha to his right. On his left, there was Pidiya, Mishal, Malchiya, Chushum, Cheshbedona, Zecharya and Mashlem. The Gemara asks: (the ones on the left) were really seven. The Gemara answers: Zecharya is Mashlem. Why is he called Mashlem? Since he was complete (i.e., perfect) in his service to Hashem.

We learned: everyone can be counted for one of the seven Aliyos, even a child and a woman. However, the rabbis said that a woman can't read the Torah because it's not respectful for the congregation.

New Sugya

The Gemara inquires: does the Maftir count as one of the seven Aliyos? The Gemara says it's an argument between R' Huna and R' Yirmiya b. Abba. One says that he's counted towards the seven and the other held that he's not counted towards the seven.

Tosfos says: R' Tam Paskins like the opinion that says that he's counted. Therefore, we're accustomed by Taanis at Mincha, and on Tisha B'av, for the third Olah to say the Maftir. The same is true by Yom Kippur by Mincha. However, by Shabbos, Yom Tov and Yom Kippur by Shachris; we don't include the Maftir in the count. After all, since we're allowed to add Aliyos by those Leinings, we can do our custom (of reading the Haftora) according to all opinions. After all, even if the Halacha would be like the opinion

that he's not counted, we'll still be doing it properly. (We don't need to worry about the opinion that he's counted) since we can add Aliyos anyhow. Although we see the Gemara later that, if Parshas Shkalim falls out on Tizaveh (and Shkalim is the beginning of the next Parsha), you read six Aliyos in Tizaveh and one Aliya in Ki Sisah, (so they didn't add another Aliya for the Maftir); however, nowadays we're accustomed to have the Maftir as the eighth Aliya in order to do our custom (which is based on covering all opinions).

Therefore, a Baal Korah who made a mistake and finished the Sedra (with six Aliyos), you should go back and read Shivi (i.e., the seventh Aliya). The same applies if it's Yom Tov and he read all the five Aliyos, and realized that he didn't finish reading what they're obligated for that day, you need to bring back the Sefer Torah and finish reading your obligations, and the last one who read earlier is not counted. *[Machtzes Hashekel says that Tosfos here seems to hold that you can't add to five Aliyos on Yom Tov, and that's why you can't count the fifth Olah and make this reading as a sixth. However, this seems to contradict what Tosfos says earlier that we have a separate Aliya for Maftir on Yom Tov since you could add Aliyos.]*

However, on Shabbos Chanuka, or Rosh Chodesh of Chanuka (that you forgot to read from the Chanuka Parsha) you don't need to take out the Sefer Torah again. As we see in Yilamdeini Chanuka that you don't need to take heed of Chanuka reading at all.

On days that you have a Korban Musaf, you need to finish Kaddish (on Tefila for Shachris) before you take the Sefer Torah out. On days that you don't have Musaf, you say Kaddish before taking out the Sefer Torah (but after U'vah L'tzion). On Shabbos, you can't read less than twenty one P'sukim for seven Aliyos (each one gets three P'sukim). By Mincha (on Shabbos), and by Monday and Thursday, you read ten P'sukim, and if you make a mistake and didn't read that many, you should reread the Leining.

The one who says that he's counted is because he reads in the Torah (like all Aliyos). The one who says he's not counted is like Ullah who says; why does the one who Maftirs in Navi need to read the Torah first? It's for the honor of the Torah (so not to say that the Navi reading is on par with the Torah reading). Therefore, since he only reads the Torah for the Torah's honor, his reading is not counted.

Tosfos asks: according to our custom during all Shabbosos that the Maftir just reads over what the last one read; why does the Gemara answer that, it's only because they read Maftir for the honor of the Torah, you don't need to read in the Haftorah to correspond to it? After all, they could have answered; since they only read what the others already read you don't need to read in the Haftorah to correspond to it. Therefore, Tosfos infers that, in the days of the Tannaim, the Maftir didn't read what the first ones read. A

proof to this: according to the opinion that the Maftir doesn't count for an Aliya, they enacted three P'sukim in the Haftorah for the Maftir (and we don't say that he doesn't count anyway because he only repeats it). So, he must have not just reread what the first ones read.

Tosfos asks: if so, why don't we do it that way too? (Why did we change the custom?) Tosfos answers: since they didn't enact saying Kaddish between the other Olim and Maftir, therefore, it was appropriate for the Maftir to finish off the reading. However, after Shas was completed, they enacted to say Kaddish between those who read first and the Maftir (it's not appropriate to wait to finish the reading until after Kaddish). The same way we see that those people who came after the Talmud enacted saying Yiru Einanu after Hashkiveinu by night to show that Maariv is only voluntary, they also enacted to say Kaddish after the seven Olim and Maftir to show that Maftir is not part of the count.

R' Eliyahu accustomed his city that, even if they take out two or three Sifrei Torah, the first Olim read everything that needs to be read, and the Maftir reads some of what the first ones read. This was R' Mishulam's custom, and is now the custom throughout France. This is a change from the Minhag of Rashi and his teachers, and of R' Tam.

Tosfos is bothered with the question: why don't we take out two Sifrei Torah every Shabbos, and read from the second one "on the day of Shabbos" (about the Musaf of Shabbos) like we read the Musaf of the Yom Tovim?

Tosfos answers: since there is only two P'sukim, and you don't read in the Torah an Aliya less than three P'sukim. It's not a solution to also read from the Parsha before, or the Parsha after, since they have nothing to do with the day.

Alternatively, since you'll always need to Maftir about Shabbos. Since you need to say a Haftorah on the topic that you left off reading about, all Haftorah's will have only one topic.

Alternatively, they only read in a second Sefer Torah a Musaf that's brought for an atonement. As we say later, we read these Korbanos on Yom Tov and it helps the Jews as if they brought those Korbanos. However, there is no atonement for the Korbanos of Shabbos, therefore, we don't read it.

The Gemara asks: we say that the Maftir in Navi shouldn't read less than twenty one P'sukim corresponding (to three P'sukim) for each of the seven Aliyos. Anyhow, if it's true (that you need to read Maftir besides the seven other Aliyos) then you should have to read twenty four

P'sukim. The Gemara answers: since the Maftir is read only to give honor to the Torah, so you don't need to read in the Navi to correspond to it.

Daf 23b

Rava asks: we find the Haftorah of "Oloseichem Sufu" that doesn't have twenty one P'sukim, and we read it. The Gemara answers: it's different, since it's the end of a full topic. The Gemara asks: is it true that you can't read less if the topic doesn't stop? After all, R' Shmuel b. Abba said that he was many times before R' Yochanan and they read ten P'sukim, and he told us to stop. The Gemara answers: it's different when you have a Targum translating the P'sukim. As R' Tachlif b. Shmuel says: we only taught that you don't stop until after twenty one P'sukim when there is no Targum, but you stop before if you have Targum.

Tosfos says: from here we rely on not to have a Mitargum for the Haftoras, or even for the Parsha.

New Sugya

You can't say Borichu (with the first Bracha) for the latecomers to Shul, or, Daven for the Amud, nor Duchan, nor read the Torah, nor say the Haftora in Navi, nor say to a funeral procession to "sit and get up," nor say a Bracha for the mourners, or consolations for the mourners, or Bracha for the groom, or have Ziman with the name of Hashem with less than ten people.

Tosfos quotes the Yerushalmi: if you start with ten people, and some left in the middle, you still finish it. However, the Pasuk calls those people who left "the one's who left Hashem will be destroyed." This is also the Halacha.

The next Tosfos quotes Rashi: we refer to people that came to Shul after the congregation Davened and they want to hear Kaddish and Kedusha, they need to have ten people there. R' Tam explains: you need seven that didn't hear them yet, and then you can combine three other people, and it's good enough. We also see this in Mesechta Sofrim. The Western rabbis said that you need seven people and they give the reason from the Pasuk "when the Jews' sins are exposed, the nation donates to bless Hashem," that has seven words. Others say that you only need six people, since the word 'bless' is the sixth word.

R' Tam wrote in Sefer Hayashar that it refers to five, since you only have five words until you get to the word 'bless.' However, Tosfos says that it seems that it's enough to have three people who didn't hear it. After all, when the Pasuk says that they're sins are exposed, i.e., that they didn't do what they should have; then they donated to bless Hashem, and there are three words until the word 'donate.' However Rashi's students quoted him that they can say the Kaddish and Borichu for one person who missed it. Even someone else who already heard it may be Moitzie the one who didn't hear it yet. After all, we see that the

Chazon, although he already Davened once quietly, he says the Chazoras Hashatz even nowadays that we're all experts to Daven (and we don't need him to be Yoitza). However, this may not be such a proof since we can say that he Davened a second time (for the Kedusha) since, (if we would all try to Daven together by the first Shmona Esrei) with the Shatz who's saying it loud, perhaps people can't be sure to keep up with the Shatz to be in the exact place for Kedusha and Modim.

However, R' Tam didn't want to rely on his P'sak even for himself.

You need to assess land that was made Hekdesh with nine people plus one Kohain. You need the same when you need to assess the worth of a man (who was made Hakdesh).

New Sugya

The Gemara asks: how do I know this (that you always need ten)? R' Chiya b. Abba quotes R' Yochanan: the Pasuk says "I will sanctify you amongst the Jews." From here we say that you need ten for all sanctifying ceremonies. The Gemara asks: how is this inferred? R' Chiya taught: we learn a Gezeira Shava "Toch, Toch." It says here "(Toch) amongst the Jews" and it says there by Korach "separate yourselves from (Toch) the 'Aida' (i.e., community). We learn a Gezeira Shava of "Aida, Aida" from the spies, as it says "until when will this evil Aida (community)." Just like there, they had ten (evil spies). So too, by us regarding sanctifying ceremonies, we need ten.

New Sugya

We said in the Mishna that you don't say to a funeral procession to "sit and get up," if you don't have ten men. (You say this to stop the procession seven times to cry and to eulogize.) Since you need to say "please stand my precious" or "please sit, my precious," it's not proper to give this title for less than ten people.

New Sugya

The Gemara asks: what's the Bracha for mourners that the Mishna refers to? The Bracha given in the street.

Tosfos explains the mourner's Bracha: we're not referring to the one in Bentching, since it wasn't in middle of the city's street, as we explained in the beginning of Kesuvos. Rather, they refer to the Brachos that they made in the city's street when they made the stops in the procession to console the mourners. However, by Bentching, you only need three people, and the mourner combines to it, as we explain the reason there. As R' Yitzchok quotes R' Yochanan: the Bracha of mourners are with ten and the mourners are not counted among them. However, the Bracha for the groom is with ten and the groom can be counted among them.

We said that you don't have Ziman with Hashem's name with less than ten people. That's because you need to say "let us bless Elokeinu," and it's not proper to say it with less than ten people.

New Sugya

We said that you need to assess land that was made Hekdish with nine people plus one Kohain. How do we know this? Shmuel says: since there's written ten times 'Kohanim' in the Parsha of assessing land Hekdish. One is needed for itself and the other nine are used as an exclusion. (Since we already excluded Yisraelim from the first Kohain) we use the rule: if you have an exclusion after an exclusion, it's coming to include something. Therefore, these nine are exclusions after an exclusion, they come to include nine Yisraelim along with that first Kohain. The Gemara remains with an unresolved question: (why shouldn't every other 'Kohain' written be a real exclusion from what the 'Kohain' before it included a Yisrael (because it's an exclusion after an exclusion) and will exclude a Yisrael), and you should need five Kohanim and five Yisraelim.

New Sugya

We learned in the Mishna: you need one Kohain and nine Yisraelim to assess the worth of a man (who's Hekdesh).

Tosfos asks: why don't you need eleven? After all, you're not supposed to have an even amount of people since we usually require an odd amount (to have a deciding vote) by all things that needs to weigh the facts.

The Gemara asks: can a man become Hekdish?

Tosfos quotes Rashi in Sanhedrin that the reason a man can't become Kodesh since he's not sold at market like a slave. Tosfos asks: if so, why don't we establish the case by an actual slave that someone could make Hekdesh. It's applicable to call a slave 'man,' as the Gemara in Gitten Darshens: the Pasuk says "all that you make Hekdesh from a man, you shouldn't redeem," which includes non-Jewish slaves and maid servants.

Tosfos answers: if it's referring to slaves, it would be enough to assess them with three people, and not with ten, like the Yerushalmi says. It's a special enactment so that the slave shouldn't hear that he was donated to the Mikdash and he'll run away.

Tosfos asks: since that Yerushalmi is only a rabbinical enactment, but the Torah requires you to have ten; then our question returns that, when the Gemara asks "could a human become Hekdesh," why not answer that it refers to a non-Jewish slave ?

Tosfos answers: they felt it simple that the Mishna is telling us what to practically do, and you need only three people when you actually assess a slave.

Alternatively, the Gemara assumes that, if it really referred to a slave, the Mishna should have said 'land and slaves need nine and a Kohain' like it always list land and slaves together.

R' Avahu answers: we refer to a case where someone promised his worth to Hekdesh. As we learned: if he says "your worth is upon me" we assess his worth like a slave, and we have a Hekish between a slave and land, as the Pasuk says "you should give as an inheritance (the slave) to your sons after you, like the inheritance of your land."

Tosfos asks: this infers that a Jewish slave is also part of the Hekish to land. This is also the implication from the first Perek of Kiddushin, that it considers women as "possessions that you can have a lien,' i.e., like land, which is the only possession that creates a lien.

However, Tosfos asks: really the Hekish should only apply to a non-Jewish slave, that the Pasuk says that you give it as an inheritance. However, we don't find that a Jewish slave has a Hekish to land. Although we can push off the proof from the Gemara in Kiddushin like we explain there, but our Gemara is difficult to explain.