



*This week's Daf is dedicated*

*לע"נ הרב דוד בן חיים הלל ע"ה*

**THE HAKUK EDITION**

**ENGLISH TOPICS ON THE DAF**

**Eilana Luna לעילוי נשמת**

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## **Chagigah Daf 11**

Our **Gemara** tells us that if one did not bring the Korbon Chagiga on the first day the Festival, he may bring it on any of the following days, “as compensation.” Compensation of what, exactly? Rabbis Yonachan and Oshiyah dispute this, and we hold like Rabbi Yochanan, who says it makes up from the first day.

This sounds like you are supposed to bring the korbon on the first day, but you have the rest of Yom Tov to make it up if you didn't. It is like a debt that must be paid. **Rabbi Chaim Soloveitchik** offers another way to understand it: the obligation to bring it *begins the first day* and extends all through the Festival. Thus, there's nothing wrong with waiting a few days.

He argues that the second way is correct, because if there is an obligation on the first day it should be considered a time-bound mitzvah, which does not have any option to compensate for it.

Additionally, the **Rambam** writes that if one enters the Beis Hamikdash without his korbon he has violated a “lav” – a negative mitzvah – by “entering empty-handed,” but it is not punishable by lashes. Lashes are administered only for a lav which involves an action, but this does not qualify. Why not, asks Rav Chaim – he *walked* into the Temple? If the

obligation is to bring it the first day, but he may correct his laxity the following days, it should be considered an action. It must be that Rambam views the korbon as an obligation all Festival long, so he can just come back another day and bring it. Only if he neglects to bring it all the days will he be transgressing the lav, automatically, without an action at that point. (Chiddushei Hagra”ch, Chagiga 6b)

The **Turei Even** (Rosh Hashana 4b) echoes his opinion. He assumes that one may l’chatchilah delay in bringing the korbon. Although the Mishnah says, “He who did not bring it on the first day may bring it...” – implying a post facto situation – it just means that it’s best to do it right away. “Alacritous people do mitzvos as early as possible,” our Sages tell us.

On the other hand, **Rashi** seems to say like the other explanation, that indeed one has to bring it the first day, and only if he did not, he may repair his failure. Earlier (ד"ה ביו"ט אינן באות ב7) he explains that Beis Hillel permits offering the chagiga on the first day of Yom Tov, since “although they may be made up later, *the main mitzvah is on the first day.*”

Indeed, the **Rambam** himself sounds like this view. Elsewhere in Hilchos Chagiga (1:5) he writes: It is a mitzvah to bring the korbon early. If he did not bring it the first day, he must bring it on the second day. And anyone who pushes off bringing it is degradable, and to him applies the verse, “They will be shattered from [their negligence involving] the Festival”!

The **Rashash** (Megillah 5a) quotes Rambam as such, that the primary mitzvah is the first day. What if one missed the first day? Is there any advantage to bring it the second day – the earlier the better – or does it make no difference which day he brings it? The Rashash says that all the rest of the days are equal.

The measurement of a mikveh is learned from the possuk, “He shall bathe all of his flesh in water,” meaning enough water for his entire body to fit into. The **Gemara** tells us this is an amoh by an amoh by three amos, or 40 sa’ah.

The commentaries discuss two potential exceptions to this rule: small people who would fit into a smaller amount of water, and large people who need a larger amount. Do they have their own sizes for a mikveh?

The **Turei Even** wonders why the Gemara picks this example of a measure involving spiritual purity; there are many other aspects not written explicitly in the Torah? He answers that mikveh is different from all other things. It is a standard minimum for everyone, even for a person small enough to be fully submerged in less water. This is the “they have something to rely on” that our Mishnah is referring to.

Is this a Biblical law or a Rabbinic enactment? The classic upshot of this question is when there is a doubt if it has 40 sa’ah. If it is Biblical, then if there is any doubt we must be stringent; in this case we would say the person remains impure. But if it’s a Rabbinical decree, we may be lenient and assume the mikveh was fine.

One of the Rishonim, **HaRiva”sh** (Teshuvos, 294) insists that it is a Biblical rule. Although the Gemara may be understood otherwise – “*the Sages* evaluated it to be 40 sa’ah” – it is like all other shiurim, measurements in halacha, which are actually Halacha L’Moshe MiSinai (transmitted on Mt. Sinai). He notes that another Gemara (Pesochim 17b) states that the Torah requires no more than a revi’is of ritual water to purify things, but that refers only to utensils, not people. Our verse indicates that people need a larger amount.

This view is held by the **Rashba**, as well (Toras Habayis, Shaar Hamayim). He bolsters his opinion on a Tosefta that clearly rules that any doubt involving the 40 sa’ah renders the person *tomei* as before. As mentioned, this proves that it is a Biblical law.

Oddly enough, though, the Rashba himself in another place sounds differently. **Rav Elchonon Wasserman** pointed out that the Rashba wrote that the principle of shiurim is, “The Rabbis set them based on the general and common situations, like 40 sa’ah in a mikveh”! (Bava Basra 29a; discussed in Divrei Sofrim note 5.) This implies that the *Rabbis instituted*

*the amount* to suffice for the average person (and even small people have to comply).

This second view is shared by the **Levush**. He says that the measurement is an “*esmachta*,” a Rabbinical inference from a *possuk*. On the Biblical level, as long as the person (or utensil) is covered by the water, it suffices (Y.D. Siman 201:1). Other authorities on this side are the Bach and Tiferes Yisroel.

However, most opinions are that it is Biblical. The Pri Megadim, Divrei Chaim, and Chazon Ish emphatically insist that the Riva”sh is correct. Thus, even a small person needs 40 sa’ah, and in a case of doubt one must be stringent.

What about the opposite situation – someone so large he cannot fully fit into 40 sa’ah?

The **Aruch Hashulchan** (Y.D. *ibid*: 9) assumes that he would need a bigger mikveh. After all, the Gemara derives this figure from that fact that one’s entire body will fit – and such a person does not!

On the other hand, the **Taz** (*ibid*: 6) writes that 40 sa’ah is enough to “cover the biggest body.” This seems to say that it’s across the board – 40 for everyone, no matter how small or large you are.

In the middle is the **Darkei Teshuvah** (*ibid*: 1), who questions both opinions. Assuming like the majority of Rabbis that it is a G-d-given measurement, we can’t assume on our own that there are exceptions. However, since this issue may affect kares-invoking sins, for a wife’s *tevilah*, we cannot be sure of it either way.

(Anyway, if s/he doesn’t fit, how could the *tevilah* be valid? If the mikveh is big enough to fit the person, but there is only 40 sa’ah of water in it. When one enters, it raises the water level to cover the entire body.)

The bottom line is that we must be stringent in both cases.