



# THE שבוע MATTERS

לע"נ ברוך בענדיט וברכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

## שבת ראש חדש פרשת תזריע-מצורע

מסכת חגיגה דף כ"ג

לרפ"ש אחינו בני ישראל

לע"נ בילה בלימה בת חיים ישראל יעקב ע"ה

## Insights from our Chaburos

### גזרת קטניות

By From Rabbi Gutterman's insights. For more, visit [dafaweek.org](http://dafaweek.org) or our app at Daf a Week under resources

The Gemara says that our משנה which allows someone to carry something that is in accordance with the view of ר' חנניה בן עקביא but not while carrying תרומה while carrying טמא טומאת מרדס is in accordance with the view of ר' חנניה בן עקביא. גזרות כמעשה שהיה חז"ל only made from the case of פרה אדומה where according to ר' חנניה the chachomim only forbade carrying מים in a boat, in the ירדן because of an incident that involved those precise circumstances. The gemara's statement that the two instances reflect the view of ר' חנניה בן עקביא presents a difficulty with the Rambam. On the one hand that הלכות אבות in רמב"ם for תרומה rules that one can carry מרדס (פרק יב הלכה ג) but not for קודש, yet in (פרק י הלכה ב) he paskens like the תוספות that one is אסור in every river and not simply the ירדן as held. According to the simple reading of our גמרא, that would seem to be a סתירה. The איש says that the understood that the גמרא was just saying that we see from ר' חנניה בן עקביא the concept of limiting גזרה similar to the גמרא. However, in our case of carrying מרדס, even the תוספות would agree that the stringency is limited to kodesh. The איש learns that this is exactly what the תוספות on our דף ישא דה לא was trying to say. However, other Achronim, however (see מהרש"א. תטורי אבן) did not learn תוספות that way.

Regarding the general idea of only making כמעשה שהיה, there is an interesting discussion in the poskim about applying this to קטניות on פסח. See the איש חכם צבי in שו"ת חכם צבי who discussed whether coffee beans should be considered קטניות and brings a proof from our גמרא that we shouldn't extend the גזרה of קטניות to any new foods that was not originally prohibited, as we only make כמעשה שהיה. Rav Moshe in סימן ס"ג said regarding peanuts that קטניות is not really a full גזרה anyway and anything that was not around when the גזרה was made is not included. As an aside, there is a מחלוקת how to interpret that. Rav Schachter שליט"א holds that if the specific item wasn't around in the time of the קטניות גזרה and wasn't accepted at any time as קטניות, then it is allowed on פסח even if it fits all the criteria of קטניות. Rav Belsky זצ"ל disagreed and held that if something fits all the criteria of קטניות, then it is inherently included in the original גזרה even if it wasn't around in the past. An example of that is corn which was certainly a new world food yet became accepted as קטניות. Rav Moshe is just discussing items that don't fit all the criteria like peanuts.

## Stories of the Daf

### Food under the bed

“...וכמעשה שהיה...”

Someone asked Rav Moshe Sternbuch, zt”l, “If some food was left under a plane seat while a person slept in it, does the food have the same problem as food that was left under a bed?”

Rav Sternbuch replied, “The Nachalas Avos cites the opinion of his father’s uncle, the Vilna Gaon, zt”l: ‘Even food left beneath a sofa or a box that was later slept upon should not be eaten since we are more stringent with things that are dangerous than with halachic prohibitions. Even though we see that one who eats this does not seem to be damaged in any way, Chazal were not necessarily discussing danger to the body only, but predominately that which could impact the nefesh. For this reason, everyone should be exceedingly careful to wash mayim achronim even though we don’t find in today’s day and age the ‘salt of Sodom’ that can cause physical blindness.’

Rav Sternbuch continued, “I rule that food left under an airplane seat which was then slept on is permitted. It is even possible that the Gaon would permit this, since he only prohibited food left beneath an object on which one sleeps in the usual fashion and not on a chair where one cannot really stretch out.”

However, Rav Pinchas Epstein, zt”l, argued on the Vilna Gaon and permitted food left under any object other than a bed. He said, “In Chagiga 23a we find that the Mishnah prohibits one to take spring water mixed with the ashes of a red heifer on a ship traversing the Jordan River. It says that someone once did so and found a k’zayis of a corpse on the ship which defiled the water since it was under the same roof as the k’zayis. There is an argument between the Sages and Chananya ben Akavya if this only applies to a ship on the Jordan River, or to any case where they are likely to become defiled. Tosfos explains there that even the Sages only prohibited ‘mei chatas’ (spring water and the ashes) and nothing else, since this is what was defiled.

Rav Epstein concluded, “We see from here that a prohibition only applies to that which was explicitly prohibited and nothing else. The Sages prohibited food that had been left under a bed. Anything else is not a problem!”

## Review & Remember

1. What was the incident that inspired the restriction against carrying madras and kodesh?
2. What phrase teaches that a vessel combines its contents?

CONTINUED 

## Halacha Highlight

### The decree of kitniyos

ר' חנניה בן עקביא אומר לא אסרו אלא בירדן  
וספינה וכמעשה שהיה  
*R' Chananyah ben Akavya said that the restriction applies only when traveling by boat on the Jordan River which is how the original incident took place.*

R' Chananyah ben Akavya relates that the only restriction of transporting midras and kodesh is to transport them on a boat while traveling over the Jordan River. Rashi<sup>1</sup> explains that according to R' Chananyah ben Akavya, decrees of Chazal are structured after the incident which inspired the decree and are not extended to circumstances that are similar; therefore, R' Chananyah ben Akavya does not extend the restriction to other forms of transporting the kodesh.

Rabbeinu Mordechai ben Hillel<sup>2</sup> cites Sefer Mitzvos Katan who writes that kitniyos is prohibited on Pesach not because there is a fear that it will leaven but the decree is the result of a different concern. Due to three similarities between grain and kitniyos there is a genuine concern that people may confuse the two, which could potentially lead to a violation of the Biblical prohibition against chometz on Pesach. The first similarity is that both grains and kitniyos are cooked in a pot, e.g. cooked oatmeal and lentil beans. The second similarity is that both items are stored in piles and the third characteristic is that both items can be ground into flour and baked as bread. Rabbeinu Yaakov Ba'al Haturim<sup>3</sup> adds another concern, namely, it is common to find kernels of grain mixed together with beans which could also cause an inadvertent violation of the prohibition against chometz. Rav Tzvi Ashkenazi<sup>4</sup>, the Chochom Tzvi, addressed the question of whether coffee beans are included in the Ashkenazi custom to refrain from kitniyos on Pesach. He ruled that coffee is permitted because there is no reason to assume that it is worse than other beans mentioned in the Rema that are permitted and furthermore, since coffee was not available at the time the custom was adopted it could not have been included in the original decree. Finally, Chochom Tzvi writes based on our Gemara that since the custom was adopted because of specific concerns, which do not apply to coffee, the custom can not be extended to include coffee.

1. רשי דה ר' חנניה בן עקביא.
2. מרדכי פסחים פ"ב סי' תקפ"ח.
3. טור אורח סי' תנ"ג.
4. רמ"א אורח סי' תנ"ג סעי' א'.
5. שו"ת חכם צבי ליקוטי תשובות סי' קכ"ז אות ב'.

### Point To Ponder

The Gemara says that the Mishna which says that someone who wears a shoe which is טמא מרדס can carry Terumah but not Kodesh is according to the opinion of רבי חנניה בן עקביא who said that when the Rabanan prohibited something because of an incident the prohibition was limited to the circumstances that were present during the incident. רבי חנניה בן עקביא's statement was originally stated in connection with an incident involving the transporting of מי חטאת on the Jordan river in a boat. According to רבי חנניה בן עקביא the ensuing Gezaira was limited to the transportation of מי חטאת across the Jordan river in a boat. The chachamim argue and hold that the ensuing gezaira was broader and included the transportation of מי חטאת over any body of water. Tosfos explains that even according to the chachamim their gezaira was limited to מי חטאת and not קודש. If this is so why can't we say that our Mishna is consistent with the opinion of those same chachamim and unlike רבי חנניה בן עקביא the restriction is not limited to wine or a barrel (the circumstances involved in the incident that prompted the gezaira) but is nevertheless still limited only to Kodesh? (Answer to appear next week)

### Response to last week's point to ponder

Since the reason for not accepting oil and wine from an Am Haaretz is a concern that they did maintain the ritual purity of those items, how would that cause them to burn their own אדומה פרה? These Amei Haaretz obviously think that their oil and wine is טהור so why would they need a פרה אדומה to ritually purify it?

The Mishna in Masechet Parah (פרק ה' משנה א') writes that all are trusted for מי חטאת. Even the non-learned are trusted and believed that a vessel associated with the Red Heifer is pure. The reason for this is the same as the reason given for trusting them regarding sacrificial wine, namely, so that they don't build their own altar. That is why our gemara connects these two items, because in both cases we believe them out of concern that they will take matters in their own hands if they are not treated as being trustworthy.

## Parsha Connection

In this week's daf we learn about how one who became טמא can purify themselves through the ashes of the Red Heifer. Similarly we will read in this week's parsha about the process for a מצורע, to become טהור. The passuk says: וצוה הכהן ולקח למטהר שתי צפרים חיות טהרות ועץ ארז ושני תולעת ואזב. And the Kohen shall take for the one "who is purifying" two birds, etc. Since this is done while the is still טמא why is referred to as למטהר and not simply the מצורע? Moreover, at this stage he is still "pending" purification and the one purifying him would seemingly be the Kohen? The Alshich Hakodosh offers an amazing insight, the only way for someone afflicted by tzaras to heal themselves is through their own actions. Unlike physical ailments where the cure is brought about through the means of a doctor, this affliction which is caused by one's sins, will only disappear when the afflicted person repents. He is therefore referred to as the one "who is purifying" to indicate that in fact HE is the one who purified himself!

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