

שבת קודש פרשת צו | מסכת כתובות דף כ"ט

INSIGHTS FROM OUR CHABUROS

לע"נ ר' שלמה זלמן בן ר' חנוך הכהן עהרנטריי
Who Were The גבעונים
 אלא נערות שיש להן קנס...ועל הנתינה

The Mishnah begins with a list of women who receive the fine of fifty silver shekel in a case of **זנות**. The novelty of the first group in the list is that they are eligible to receive the money even though these women are prohibited to be married among the Jewish people. Among them are a group called the "Nissinim." The Nissinim were among the seven nations who inhabited the Land of Canaan, and they managed to convert through deception at the time of Yehoshua. They received the name "Nissinim" from the word **נתן**—to give or place." Originally, Yehoshua "placed them" as water drawers, as we find Yehoshua 9:27: "That day Yehoshua made them (ויתנם) woodchoppers and water drawers." In the Mishnah, Rashi explains that they are a group which Dovid Hamelech declared as prohibited to be married among the Jewish nation. The Gemara Yevamos (78b) identifies this connection found in 2 Shmuel (21:2): "So the King called to the Givonites and spoke to them. (The Givonites were not of the Children of Israel, but from the remnant of the Amorite; the Children of Israel had sworn not to harm them...)" The reference in the verse that they "were not of the Children of Israel" is to the prohibition to marry among the Jews. The reason Rashi mentions the declaration of Dovid Hamelech in the Mishnah, rather than the original decree of Yehoshua is addressed by the commentators. Although Yehoshua decreed that they be servants, he did not directly prohibit their being married as converts. This was done by Dovid Hamelech, as Rashi indicates. Tosafos HaRosh (Yevamos 79a) explains that the Torah's prohibition to marry a slave only applies to individuals who are personal slaves. However, the Nissinim are included in a group category as a nation of slaves, and as such, as a result of Yehoshua's decree, were not included in the verse (Devarim 23:18) "there shall not be a promiscuous man among the sons of Israel." Dovid Hamelech decreed that they should have a status of being individually enslaved, whereby the verse excluded them from marrying among the Jewish people. It is noteworthy that Rashi (Makkos 13a) defines the Nissinim as the Givonim, who are included in the prohibition of the verse Devarim (7:3): "Do not marry among them."

PARSHA CONNECTION

In this week's daf the גמרא makes reference to the **איסור גדול** of אלמנה לכהן גדול. The first **צו** "command" to אהרן הכהן, which is different from either אמור or דבר. Why was this word chosen for this מצוה? Furthermore, why is this the first מצוה which was told to אהרן? The מצוה of בגדי כהונה involves splitting the **דשן** into two parts, one performed while wearing white while the other part done when the ashes were taken outside of the **מחנה** was performed while wearing regular clothing. To explain these details as well as the overall מצוה of תרומת הדשן, the **אלשיך הקודש** offers a fascinating insight on the fundamental importance of this מצוה. The מצוה was lit by a fire kindled by the **כהנים**, in addition to an **אש תמיד** that consisted of an **אש מן השמים**, as the **possuk** (ו,י) says **לא תכבה** לא תכבה. The message to אהרן through the מצוה of תרומת הדשן was to remind him as well as all future **כהנים** that the real fire on the מצוה was the **אש מן השמים**. This is why a portion was placed next to the מצוה and was absorbed miraculously into the ground, which represents the heavenly nature of the ashes consumed by the **אש מן השמים**, whereas the rest, which represents ash the product of the natural fire was taken outside. This is also the reason why the two parts were done wearing different clothing, one set **קודש** and the other **חול**. Perhaps we can take this same lesson into **פסד** where the obvious **נסים** are meant to remind us everyday that EVERYTHING that happens to us every single day is a **נס**.

STORIES OFF THE DAF **The Shabbos Tallis**

תוס': "אי עביד לא מהני..."

A certain man once promised his friend that he would tie the tzitzis on his new Shabbos tallis in for him before Shabbos. Unfortunately, the man was very busy that week and his erev Shabbos was especially hectic. He forgot the whole matter until after the Shabbos meal. Unfortunately, this man failed to overcome temptation and tied the tzitzis that night even though he knew that it was a flagrant violation of Shabbos. When he finished, he felt terrible. His conscience would give him no rest, so he decided not to give the tallis to his friend until after Shabbos so that at the very least his friend would not inadvertently enjoy a benefit from his chilul Shabbos. The following morning, the man told his friend that it wasn't ready and he took his friend's disappointment in stride. After Shabbos, he asked Rav Yaakov Yakil Hirsch, zt"l: does he need to retie the tzitzis on the garment or not? The Rav answered, "The halachah is that the tzitzis are invalid and must be removed and retied. This is because we hold like Rava who says that wherever the Torah prohibits something, transgression does not accomplish anything (as brought in Tosafos, Kesuvos 29b: "chalulin"). The Shaar Hamelech (Hilchos Gerushin, chapter 3) writes that this doesn't mean to invalidate the action of anyone who has sinned. It means that if the sin was entirely corrected by some compensating act, it is truly considered as naught. The Noda B'Yehudah (Tinyana Orach Chaim, 135) applies this principle to a mitzvah that was accomplished by way of an aveirah, as in your case. Therefore, doing something to nullify the sin you did in the physical sense will invalidate the act. Tosafos writes that if there was an obligation to retie the tzitzis every day, it would be permitted to knot them on Shabbos as well since the knot will definitely be untied by the next day. So according to this, we find that by invalidating the tzitzis we have completely corrected the sin. This is why the strings are invalid and must be retied."

HALACHA HIGHLIGHT

A Bar-Mitzvah Boy's Obligation

שנפדו ושנתגיירו ושנשתחררו פחותות מבנות ג' ויום אחד

Who were redeemed, converted, or freed while less than three years and a day.

The Levush¹ cites a question posed by the Bach² whether a boy whose bar-mitzvah occurred on Shabbos is permitted to serve as shliach tzibbur on Friday night. Bach wrote that although to be included in a minyan a boy must be thirteen years old and "a day," nevertheless the reference to "a day" should not be understood as indicating that he must complete that "day" as well. The emphasis is that the boy should have completed thirteen full years and that milestone occurs on the night when he becomes thirteen years and a day. Bach cites as support for his position a ruling of Maharil. Maharil³ ruled that a bar-mitzvah boy may not serve as shliach tzibbur on Friday night if the community accepts Shabbos early. The reason is that although one may add onto Shabbos, that addition to Shabbos does not actually transform that time into the next day; thus it is not yet his birthday and consequently he may not serve as shliach tzibbur. The implication of this ruling is that if the community did not accept Shabbos early it would be acceptable for the bar-mitzvah boy to lead davening and it is unnecessary to wait until he completes the "day" after his thirteenth birthday.

Another related issue is the dispute of whether a boy's bar-mitzvah is calculated by the day or by the hour. For example, if a boy is born on the afternoon of the first day of Rosh Hashanah when does he celebrate his bar mitzvah? Is he considered a bar-mitzvah the night of Rosh Hashanah or does he have to wait until the afternoon of Rosh Hashanah to be considered a bar-mitzvah? Most Poskim⁴ rule that a bar-mitzvah is not calculated based on the hour the child was born but a minority of Poskim⁵ maintain that a bar-mitzvah is calculated according to the hour.

1. הגהות הלבוש, ד"ה ג' שמים
2. שו"ת הב"ח הישות ס"ל קמ"ה
3. מהר"ל הל תפילה אות ח
4. ע' מ"ב סי"ג ס"ק ל"ג וסי"ה ס"ק מ"ב
5. ע' מועדים חמ"ד ס"ל רפ"ח בהערה שמביא הי דעות ושיש שהגו להחמיר כשיטתם

MUSSAR FROM THE DAF

Sticks and Stones May Break My Bones...

אלו נערות שיש להן קנס

Our Mishna explains the cases in which one who is a *מאנס* has a *קנס* of 50 Shekalim. In מסכת ערכין, the Mishnah (Daf 15) teaches us that one who is a *דיבור רע* has to pay a *קנס* of 100 Shekalim. Why is the fine for a *רע* double the amount of a fine for a *מעשה רע*? One would think it should be the opposite?

Let's look at another halacha in the Torah. The Torah prescribes the punishment of *חנק* for striking one's parent, and the much more severe punishment of *סקילה* for cursing one's parent. Why is cursing a parent treated more severely? Although both are reprehensible, we would think that physical assault towards a parent is worse than verbal aggression. Perhaps, the Torah is teaching us that, in fact, hurting someone with words can actually cause them greater pain and trauma than physically hurting their body. In our case as well, the Torah is teaching us that our words can be more powerful than our actions through the different levels of *knasim* prescribed by the Torah. Poorly chosen words can have devastating effects on the physical and emotional development of the one on the receiving end of them. In a study of 5,616 kids who experienced different types of abuse as kids, Dr. Joseph Spizzola found that conditions such as depression, general anxiety disorder, social anxiety disorder, attachment problems and substance abuse occurred more often after psychological maltreatment than physical abuse. While kids may repeat the old rhyme, "Sticks and stones may break my bones, yet names will never hurt me," it seems that the opposite may actually be true.

As we prepare for Pesach, we can mention that following the incident when Moshe smote the Egyptian who was hitting a Jewish slave, Moshe tried to break up a fight between two Jews. The combatants taunted Moshe, "Are you going to kill us like you killed the Egyptian?" The *פסוק* then says, "And Moshe feared and he said, behold the matter is known" [Shemos 2:14]. According to the simple reading of the *פסוק*, the matter that was known was Moshe's act of killing the Egyptian. The *Medrash*, however, sees this in a different light. Moshe had been wondering why the *בני ישראל* were enslaved more than any other nation. What was their sin that caused all this suffering? At this juncture, after having heard the comment of the two Jews who were fighting, Moshe's reaction was "now I understand it!" Once he heard those words of accusation, he had discovered the reason for their fate: they had amongst them people who would gossip, who speak *Lashon Hora*. As the *Arizal* explains, Pesach is a combination of two words: "פה" and "סח", which mean the "mouth that spoke." In the *zechus* of understanding and internalizing the power of our words, we should merit the final *Geulah*.

POINT TO PONDER

Rashi *קנס להם* ד"ה שיש להם *קנס* that a man forced them. Why did he limit the *משנה* to cases of *אונס* and not *פיתוי* which has the same *דינים*?

Response to last week's Point to Ponder:

Since the *משנה* taught the limited number of circumstances where testimony that one saw when they were a *קטן* is acceptable, why do we need a list of those cases where such testimony is unacceptable, can't we simply assume that everything else is unacceptable?

The *ר"ן* explains that since these things are well known in the community, we would think that he should be believed because one would not lie about well known things. This is why the *משנה* has to state that despite this reasoning he is not believed because it involves taking *מחזקתו*.

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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