

הַסְפָּרִים. הֵינִי – אֵין, כְּלִי פְּשָׁתָן – לֹא!

of barbers that are used to cover a person having a haircut, and body-drying towels may all be laundered on the intermediate days of a Festival. This statement implies that these garments, yes, they may be laundered, but other types of linen garments, no, they may not be laundered.

אָמַר לֵיה אַבְיִי: מִתְּנִיתִין אֶפִּילוּ דְשָׂאָר מֵינִי. אָמַר בַּר הֵידִיָּא: לְדִידִי חֲזוּ לִי יָמָה שְׁל טַבְרִיָּה, דְּמַפְקִי לָהּ מְשִׁיכְלֵי דְמִנְיָ כִּתְנָא בְּחֻלָּא דְמוֹעֵדָא.

Abaye said to him: This is not a contradiction: The mishna is referring to garments made even of other types of materials; linen garments, however, may be laundered even when they serve other purposes. Bar Hedyā said: I myself saw the Sea of Tiberias,^B the Sea of Galilee, to which basins full of linen garments were brought out to be laundered during the intermediate days of a Festival.

מִתְקִיף לָהּ אַבְיִי: מֵאַן לִימָא לָן דְּבִרְצוּן חֲכָמִים עֲבָדִי? דְּלִמָּא שְׁלָא בְּרִצוּן חֲכָמִים עֲבָדִי.

Abaye strongly objects to this: This report cannot be adduced as proof for the halakha, for who says to us that they did this in accordance with the will of the Sages? Perhaps they did it without the will of the Sages.

מִתְנִי' וְאֵלוּ כּוֹתְבִין בְּמוֹעֵד: קְדוּשֵׁי נְשִׁים, וְגִטִּין, וְשׁוֹבְרִין, דֵּייתִיקִי, מִתְנָה, וְפְרוֹזְבוּלִין, אִגְרוֹת שׁוּם, וְאִגְרוֹת קְזוּין.

MISHNA And these are the documents that may be written on the intermediate days of a Festival:^{NH} Documents of betrothal of wives,^N through which bridegrooms betroth their brides; bills of divorce;^N receipts for the repayment of debts; wills [*deyateiki*];¹ deeds of gift; *perozbolin*,¹ documents through which lenders authorize the courts to collect their loans on their behalf, thereby preventing the Sabbatical year from canceling their debts; letters of valuation, which were drawn up by the court when they valued property and transferred it to the lender; and letters of sustenance,^N which were drawn up when one accepted upon himself to maintain another, e.g., his step-daughter.

NOTES

These may be written during the intermediate days of a Festival – וְאֵלוּ כּוֹתְבִין בְּמוֹעֵד: The early authorities disagree as to why writing these documents during the intermediate days is permitted. Some say that each document is, to some degree, something that would cause a loss, as in each case delaying the writing of the document may cause financial loss or some other type of harm.

Although this reason may not apply in some particular cases, the halakha nevertheless applies in every case without distinction. The commentaries explain in detail what the loss is in each case (Rashi manuscript; Rabbeinu Yehonatan of Lunel; *Talmid Rabbeinu Yehiel of Paris*; Meiri). Some say that the writing of the prohibited labor is only writing business documents, and none of these documents is directly related to business. For this reason they may be written during the intermediate days of a Festival (Rid; Ran). However, the Rambam explains that most of these documents may be written because the public requires them (see Ra'avad).

Documents of betrothal of wives – קִידוּשֵׁי נְשִׁים: Although it is explained in the Talmud that this refers to financial documents, the conclusion indicates that it also applies to actual docu-

ments of betrothal (Rashi manuscript; Rabbeinu Yehonatan of Lunel).

Bills of divorce – גִּטִּין: Rashi in the manuscript explains that this is referring to a case where one is setting out on a journey during the intermediate days and does not wish to leave his wife bound in the event that he does not return. Alternatively, it is referring to one who is on his deathbed and wants to prevent his wife from having to marry in a levirate marriage. Rabbi Shlomo ben HaYatom explains that by giving his wife a bill of divorce, a husband ends the fighting within his home, and therefore writing such a document is considered to be for the sake of the joy of the Festival. In the Jerusalem Talmud, it is asked why writing a divorce document is permitted. Since it causes pain, it should not be an appropriate activity for a time of joy. It is explained there that once one has made up his mind to divorce his wife, it is no longer considered to be painful for him to give her the document of divorce.

Letters of sustenance – אִגְרוֹת קְזוּין: Some explain that such a document guaranteed that a widow would receive money for her basic needs from the property of her deceased husband (Jerusalem Talmud; Rabbeinu Yehonatan of Lunel).

LANGUAGE

Wills [*deyateiki*] – דֵּייתִיקִי: From the Greek διαθήκη, *diatēkē*, meaning a will. The Sages expound upon it as though it were Aramaic: *Da tehei lemeikam* meaning: This will stand.

Perozbul – פְּרוֹזְבוּל: Through this document one transfers all outstanding loans owed to him to the court, so that the court will collect them. This was instituted by Hillel to circumvent the cancellation of loans in the Sabbatical Year and to thereby prevent lenders from refusing to grant loans.

The origin of the word is Greek, although it is unclear exactly which word it was taken from. Some say that it was related to the word προβολή, *probolē*, meaning the presentation of a message to the court or to a public gathering. It can also refer to a loan. Some say that it is related to the Greek προσβολή, *prosbolē*, which means application or the conclusion of a sale. However, the issue has not been conclusively resolved and there are also other opinions with regard to the word's origins.

BACKGROUND

יָמָה שְׁל טַבְרִיָּה – Sea of Tiberias



Aerial view of the Sea of Tiberias, also known as the Sea of Galilee

HALAKHA

כְּתִיבָה – Writing during the intermediate days of a Festival – בְּחֻלָּא הַמוֹעֵד: During the intermediate days of the Festival it is permitted to write documents of betrothal; documents of stipulation; bills of divorce; receipts for repayment of debt; wills; gift documents; *perozbolin*; letters of valuation; letters of sustenance, and some say this includes a document in which a man writes that he will support his step-daughter (Rema); documents of *halitza*; documents of refusal; documents of arbitration; and decrees of the court.

Some say that it is permitted to write a marriage document, and some say that it is prohibited (Rema). Some permit one to write down novel ideas he has about Torah, lest he forget them. Some permit the writing of greeting letters, based on the Jerusalem Talmud, and others prohibit it. In many places it is customary to be stringent (Rema).

Some authorities say that writing is permitted, as long as it is not in the script used for writing Torah scrolls, because ordinary script is not considered to be the work of an expert. Those who write in an ordinary manner during the intermediate days of the Festival do so based on this opinion. Some require that each letter be written in an unusual manner (*Taz*; *Shulhan Arukh, Orach Hayyim* 545:5).

Documents of arbitration – שְׁטָרֵי בִירוּרִין: Rashi, the Rid, and Ran explain that this means arbitration to resolve a dispute. In the Jerusalem Talmud it is explained that this document gives power of attorney to investigators to look into a dispute (a similar explanation appears in the Rashi manuscript, and in Rambam's Commentary on the Mishna). Others explain that these documents contained each side's claims before the court (Riaz).

Official correspondence of the authorities [*rashut*] – אֲגִרוֹת שֶׁל רְשׁוּת: The early authorities disagree about the way this word should be vocalized and consequently also about its meaning. According to those who read the word *rashut*, these were official documents sent to the ruling government (Rashi) or they contained calculations that were delivered to the government (Meiri). The *ge'onim* explain that it refers to a document in which the *Nasi* or the Exilarch appoints a judge for a certain community (see Rabbeinu Yehonatan of Lunel). However, others read this word *reshut*, based on the Jerusalem Talmud, where it is stated that this expression refers to letters of greetings. Some explain that it is permitted to write such letters because doing so does not require a great deal of precision, and is therefore considered a layman's activity (Rambam).

Some explain that the *halakha* permitting letters of greeting specifically refers to a case in which one will not find a messenger with whom he can send the letter after the Festival, and therefore he will incur some degree of loss by not mailing such a letter at this time (*Tosefot HaRosh*). Others suggest that this type of correspondence will increase the joy of the Festival (Ritva).

Betrothal, because he does not perform a mitzva – לְאִרְסוֹ: The later authorities mention that the Rambam, apparently, disagrees with this Gemara. He maintains that there is a mitzva to betroth a woman. Rabbi Shlomo ben HaYatom explains that there is no apparent contradiction, as this opinion in the Gemara holds that betrothal does not complete the mitzva, as marriage does.

HALAKHA

How much do you give – כַּמָּה אֶתָּה נוֹתֵן: When there is an arrangement between a man and a woman that they will marry, the man asks his future wife: How much money will you give to me as a dowry? She answers that it will be a particular amount of money. He makes a similar statement to her. After the betrothal declaration has been made, this money is transferred through their statement, provided that the property belonged to them when they committed to it, and they do not need to perform any other method of transfer. There is no distinction between a first and second marriage (*Shulhan Arukh, Even HaEzer 51:1*, and in the comment of Rema).

Betrothal during the intermediate days of a Festival – אִירוּסִין בְּמוֹעֵד: One may not marry or perform levirate marriage during the intermediate days of a Festival. However, one may betroth a woman, though without a betrothal feast, during the intermediate days (*Shulhan Arukh, Orach Hayyim 546:1*).

שְׁטָרֵי חֲלִיצָה, וּמִיֹּאמִים, וְשְׁטָרֵי בִירוּרִין, גִּירוֹת בֵּית דִּין, וְאִגְרוֹת שֶׁל רְשׁוּת.

גַּמְ' אָמַר שְׂמוּאֵל: מוֹתֵר לְאִרְסוֹ אִשָּׁה בְּחוּלוֹ שֶׁל מוֹעֵד, שְׂמָא יִקְדָּמָנוּ אַחֲרֵי. לֵימָא מְסִייעַ לִיה: וְאֵלּוּ כּוֹתְבִין בְּמוֹעֵד: קְדוּשֵׁי נָשִׁים.

מֵאֵי לֹאֹ שְׁטָרֵי קְדוּשִׁין מִמַּשּׁ? לֹא. שְׁטָרֵי פְסִיקְתָּא, וְכִדְרַב גִּידֵל אָמַר רַב.

דְּאָמַר רַב גִּידֵל אָמַר רַב: "כַּמָּה אֶתָּה נוֹתֵן לְבִנְךָ" – כֵּךְ וְכֵךְ; "כַּמָּה אֶתָּה נוֹתֵן לְבִתְךָ" – כֵּךְ וְכֵךְ. עֲמַדוּ וְקִדְשׁוּ – קִנְיֵי הֵן הַדְּבָרִים הַנִּקְנִין בְּאִמְרָה.

לֵימָא מְסִייעַ לִיה: אִין נוֹשְׂאִין נָשִׁים בְּמוֹעֵד, לֹא בְּתוֹלוֹת וְלֹא אֶלְמָנוֹת, וְלֹא מִיבְמִין, מִפְּנֵי שֶׁשְּׂמֻחָהּ הִיא לוֹ. הָא לְאִרְסוֹ – שְׂרִי!

לֹא מִיבְעִיָּא קְאָמַר; לֹא מִיבְעִיָּא לְאִרְסוֹ – דְּלֹא קְעִבִיד מְצוּהָ, אֶלְא אֶפִּילוּ לִישָׂא נְמִי, דְּקָא עִבִיד מְצוּהָ – אָסוּר.

תָּא שְׂמַע, דְּתַנָּא דְּבֵי שְׂמוּאֵל: מִאִרְסִין אֲבָל לֹא בּוֹנְסִין, וְאִין עוֹשִׂין סְעוּדַת אִירוּסִין, וְלֹא מִיבְמִין, מִפְּנֵי שֶׁשְּׂמֻחָהּ הִיא לוֹ. שְׂמַע מִינָהּ.

The list continues: Documents of the ritual through which the brother-in-law frees the *yevama* of her levirate bonds [*halitza*], thereby freeing her from the obligation to marry one of her deceased husband's brothers; documents in which the court records the refusal of a girl upon reaching majority to remain married to the man to whom her mother or brothers married her as a minor after the death of her father; documents of arbitration,^N in which the court summarizes a conflict that had been resolved through arbitration; court rulings; and the official correspondence of the ruling authorities.^N

GEMARA Shmuel said: It is permitted to betroth a woman on the intermediate days of a Festival, lest another come and betroth her first. The Gemara asks: Let us say that the mishna supports Shmuel, who said: And these are the documents that may be drawn up on the intermediate days of a Festival: Documents of betrothal.

What, is the mishna not referring to actual documents of betrothal, through which one would actually betroth a woman? The Gemara rejects this: No, the mishna is referring to documents of stipulation recording the amounts that the parents agree to pay as the dowry of their respective son or daughter, in accordance with what Rav Giddel said that Rav said.

For Rav Giddel said that Rav said: When two families negotiate the terms of marriage for their respective children, and one side says to the other: How much do you give^H to your son as a dowry? And the second side says: I give such and such amount; how much do you give to your daughter? And the first side responds: Such and such amount, then, once the bride and groom arose and pronounced the betrothal formula, then all of these obligations are acquired and therefore binding. These are among the things that are acquired through words alone. In other words, there is no need to perform an additional act of acquisition in order to confirm the agreement, and the mishna is referring to a document recording such an agreement. Although such a document may be drawn up even on the intermediate days of a Festival, this does not mean that one may actually betroth a woman during this period.

The Gemara asks: Let us say that the following mishna supports Shmuel: One may not marry a woman on the intermediate days of a Festival, neither a virgin nor a widow; nor may one then perform levirate marriage with his sister-in-law, if his brother died childless, because that would be a joyous occasion for him. This statement implies that it is only marrying that is prohibited, but betrothing is permitted.

The Gemara rejects this argument: This is not the correct way to understand the mishna, as it is speaking in the style of: Needless to say. It is needless to say that betrothal is not permitted, because the groom does not perform a mitzva^N through betrothal. Rather, the same is true even of marriage, through which one performs a mitzva, as marriage is preparation for fulfilling the mitzva of procreation. It is still not permitted.

The Gemara offers another support for Shmuel: Come and hear that which a Sage of the school of Shmuel taught in the following *baraita*: One may betroth a woman on the intermediate days of a Festival,^H but he may not marry her, nor may he make a betrothal feast, nor may he perform levirate marriage, because that would be a joyous occasion for him, and one may not mix the joy of a wedding with the joy of the Festival. The Gemara concludes: Learn from this a support for Shmuel's opinion.

שדה פלוני לפלוני – The field of so-and-so to so-and-so – According to the Ran, this statement is also connected to marriage, as it refers to property transferred to the groom through the dowry.

You will come to deny the Lord – *יִקְרַת בַּהּ* – The commentary here follows Rashi's version of the text, according to which, in this case, unanswered prayers lead one to heresy, while answered prayers do not actually benefit him. The *Arukh* explains the passage in a similar manner. However, others have a version of the text which reads: You will come to deny her, meaning that such a person will renounce this woman in the end. In other words, he will regret having married this woman and he will become disgusted with her (*Talmid Rabbeinu Yehiel of Paris; Ran*).

From the Torah and from the Prophets and from the Writings – *מִן הַתּוֹרָה וּמִן הַנְּבִיאִים וּמִן הַכְּתוּבִים* – Some expound on this statement and note that these three verses refer to three different types of couples. The verse from the Torah describes the marriage of Isaac and Rebecca, which was a marriage between a righteous man and a righteous woman. The verse from the Prophets describes the marriage of Samson and his first wife, which was a marriage between a righteous man and a wicked woman. The verse from Writings speaks in general about a marriage between a wicked man and a righteous woman (*Riaf; Iyyun Ya'akov*).

ומי אמר שמואל שמואל יקדמונו אחר? והאמר רב יהודה אמר שמואל: בכל יום ויום בת קול יוצאת ואומרת: בת פלוני לפלוני, שדה פלוני לפלוני!

The Gemara raises a question about the ruling itself: **And did Shmuel actually say that we are concerned that perhaps another man will come and betroth the woman first? But didn't Rav Yehuda say that Shmuel said: Every day a Divine Voice issues forth and says: The daughter of so-and-so is destined to be the wife of so-and-so; the field of so-and-so will belong to so-and-so?**ⁿ If this is the case, why should one be concerned lest another betroth her first? It is predestined that he will marry his designated mate.

אלא: שמואל יקדמונו אחר ברחמים.

Rather, Shmuel's statement should be understood as follows: **Perhaps another man will come and betroth her first by means of praying for divine mercy.** In other words, Shmuel is concerned that the rival may beseech God to cancel the decree of the Divine Voice, and therefore the first man needs to hurry and betroth the woman before the other one has a chance to pray that he should take her from him.

כי הא דרבא שמעיה ליהווא גברא דבעי רחמי ואמר: תודמן לי פלגיתא. אמר ליה: לא תיבעי רחמי הכי, אי חזיא לך – לא אולא מינד; ואי לא – כפרת בה. בתר הכי שמעיה דקאמר: או איהו לימות מקמה, או איהי תמות מקמיה. אמר ליה: לאו אמניא לך לא תיבעי עלה דמילתא?

This is like this incident, in which Rava heard a certain man asking for mercy, i.e., praying, who said: **Grant me so-and-so as a wife.** Rava said to him: **Do not pray and ask for mercy in this way. If she is fit for you, and it has been decreed that she will be your wife, she will not go away from you. And if she is not destined to be your wife, you will come to deny the Lord**ⁿ when you see that your prayer is not answered. **After the man married this woman, Rava heard him say in prayer: Please either let him die before her or let her die before him.** He was speaking about himself and his wife because he had grown to hate her so much. **Rava said to him: Did I not say to you not to pray for this matter?**

הכי אמר רב משום רבי ראובן בן אצטרובילי: מן התורה ומן הנביאים ומן הכתובים מה אשה לאיש. מן התורה – דכתיב: וישען לבן ובתואל ויאמרו מה יצא הדבר. מן הנביאים – דכתיב: ויאביו ואמו לא ידעו כי מה היא. מן הכתובים – דכתיב: בית יהוה נחלת אבות ומה אשה משכלת.

Rav said in the name of Rabbi Reuven ben Itzterobili^p as follows: **From the Torah, and from the Prophets, and from the Writings;**ⁿ it implies that the decree that a specific woman is destined to be married to a specific man is from God. From where is this derived? It is from the Torah, as it is written: **“Then Laban and Bethuel answered and said: The thing comes from the Lord, we cannot speak to you either bad or good”** (Genesis 24:50). **From the Prophets, as it is written: “But his father and his mother knew not that it was of the Lord”** (Judges 14:4). **From the Writings, as it is written: “House and riches are the inheritance of fathers; but a prudent woman is from the Lord”** (Proverbs 19:14).

ואמר רב משום רבי ראובן בן אצטרובילי, ואמרי לה במניתא תנא, אמר רבי ראובן בן אצטרובילי: אין אדם נחשד בדבר אלא אם כן עשאו, ואם לא עשה כולו – עשה מקצתו; ואם לא עשה מקצתו – הרהר בלבו לעשותו; ואם לא הרהר בלבו לעשותו – ראה אחרים שעשו, ושמת.

§ Apropos a teaching of Rabbi Reuven ben Itzterobili, the Gemara states that Rav said in the name of Rabbi Reuven ben Itzterobili, and some say that it was taught in a *baraita* that Rabbi Reuven ben Itzterobili said: **A man is suspected of having done something wrong only if he has indeed done so. And if he did not do it wholly, then probably he did it partly. And if he did not do it even partly, then probably he thought in his heart to do it. And if he did not even think to himself to do it, then certainly he saw others doing it and was happy.** Suspicions do not arbitrarily arise about a person; therefore is certainly some basis for them.

מתניב רבי יעקב: ויחפאו בני ישראל דברים אשר לא כן על ה' אלהיהם! התם להכעיס הוא דעבוד.

Rabbi Ya'akov raised an objection: Does the verse not say: **“And the children of Israel fabricated matters that were not right against the Lord their God”** (II Kings 17:9), which indicates that it is possible to make up stories about someone else even though they are entirely baseless. The Gemara answers: **There they did it in order to anger God, but they did not actually think that what they were saying was true.**

PERSONALITIES

Rabbi Reuven ben Itzterobili – רבי ראובן בן אצטרובילי – Rabbi Reuven ben Itzterobili was a *tanna* in the generation of Rabbi Akiva. It is told that he was able to intervene with the powerful people in Rome and cancel any decree made against Israel. Several state-

ments are mentioned in his name in the Talmud and midrashic literature. His two sons were also Torah scholars and became students of Rabbi Yehuda HaNasi. The name Itzterobili appears to be from the Greek *στροβίλος*, *strobilos*, meaning round, spinning.

Warned his wife against seclusion with Moses – קינא
 לאשתו ממשא: This statement is based primarily on the
 similarity between the verse: “And they were jealous of
 Moses [vaykanu leMoshé]” (Psalms 106:16), and the verse that
 describes what happens when a man becomes suspicious
 about his wife: “And the spirit of jealousy came upon him,
 and he be jealous of his wife [vekineh et ishto]” (Numbers
 5:14).

Many explanations are offered for this somewhat surpris-
 ing statement. Some say that because Moses had a tent
 outside the camp, people were suspicious that the women
 who came there would be alone with him in a prohibited
 manner (Riaf). The author of the commentary *HaKotev* in
 the *Ein Ya'akov* explains that the Gemara is referring to the
 congregation of Korah, who warned their wives that Moses
 was power hungry.

Did not arise again – דלא הדר נבט: Rashi in the manuscript
 has a different version of the talmudic text. He explains that
 when people other than the rumor's subject actively deny
 and try to quiet it, it is considered a rumor that stops.

Even in the Torah scroll of Ezra [sefer Ezra] – אפילו בספר
 עזרא: This is Rashi's version of the talmudic text, according to
 which this statement is referring to the Torah scroll written
 by Ezra. This scroll was central in that it was the Torah scroll
 that was used to correct every other Torah scroll (Meiri).

However, most authorities have a version of the Gemara
 that reads: The Torah scroll of the courtyard [sefer azara]. This
 term refers to the Torah scroll that was kept in the Temple
 courtyard. It was used by the High Priest when he read on
 Yom Kippur (Rabbeinu Yehonatan of Lunel; see Rashi manu-
 script). Others suggest that it was the king who read from
 this Torah scroll during the time of *hakhel* (Rabbi Shlomo
 ben HaYatom; Meiri).

PERSONALITIES

Abaye – אבאי: Abaye was one of the most famous of the
 Babylonian *amora'im*. The disagreements between Abaye
 and his colleague Rava recorded in the Gemara are so essen-
 tial that the Gemara itself is referred to as the discussions
 of Abaye and Rava. Among those hundreds of discussions,
 the ruling follows Abaye in only six cases.

Abaye was orphaned at the time of his birth and raised
 by his paternal uncle, Rabba. The nurse who raised him
 impressed upon him many life lessons, which he quotes in
 the Gemara in her name. There are a number of stories in
 the Gemara that illustrate his intelligence even as a child,
 including some in which Rabba tests him with questions.

Abaye was chosen to head the academy in Pumbedita.
 He celebrated the study of Torah and would announce a
 holiday for the scholars whenever one of them completed
 a tractate. Growing up in his uncle's home, he was aware
 of the difficulties of scholars who were without financial
 means. The Gemara in tractate *Berakhot* (35b) relates that
 he testified that many were successful following the path
 of Rabbi Yishmael, who instructed his students to plow,
 plant, and harvest in the appropriate time. Only very few
 were successful following the path of Rabbi Shimon bar
 Yohai, who taught that one should devote himself entirely
 to Torah and ignore worldly concerns.

תא שמע: “ויקנאו למשה במחנה
 לאהרן קדוש ה” – רב שמואל בר
 יצחק אמר: מלמד שכל אחד קינא
 לאשתו ממשא! התם משום שנאה
 הוא דעבוד.

תא שמע, אמר רבי יוסי: יהא חלקי עם
 מי שחושדין אותו בדבר ואין בו ואמר
 רב פפא: לדידי חשדין ולא הוה בי

לא קשיא: הא – בקלא דפסיק: הא –
 בקלא דלא פסיק, וקלא דלא פסיק עד
 כמה? אמר אבאי: אמרה לי אם: דומי
 דמתא יומא ופלא.

והני מילי – דלא פסק ביני ביני: אבל
 פסק ביני ביני – לית לן בה. וכי פסק
 ביני ביני – לא אמרן אלא דלא פסק
 מחמת יראה, אבל פסק מחמת יראה –
 לא.

ולא אמרן אלא דלא הדר נבט, אבל
 הדר נבט – לא. ולא אמרן אלא דלית
 ליה אויבים, אבל אית ליה אויבים –
 אויבים הוא דאפקוה לקלא.

מתני' אין בותבין שטרי חוב במזוזה.
 ואם אינו מאמינו, או שאין לו מה
 יאכל – הרי זה יכתוב.

אין בותבין ספרים, תפילין ומזוזות
 במזוזה, ואין מגיהין אות אחת אפילו
 בספר עזרא. רבי יהודה אומר: בותב
 אדם תפילין ומזוזות לעצמו,

Come and hear a challenge from a different source: The verse
 states: “And they were jealous of Moses in the camp, of Aaron
 the Lord's holy one” (Psalms 106:16). Rav Shmuel bar Yitzhak
 said: This verse teaches that every man warned his wife against
 seclusion with Mosesⁿ because he was jealous. This implies that
 every man thought that his wife had secluded herself with Moses
 and sinned, although this was certainly not the case. This demon-
 strates that it is possible to suspect an absolutely innocent person.
 The Gemara answers: **There they did it out of hatred** for Moses.
 They did not actually suspect him of wrongdoing. Instead, their
 goal was to degrade him by leveling these false accusations against
 him.

The Gemara raises another challenge, based on yet another source:
Come and hear that which Rabbi Yosei said: May my portion
in the future world be with one who is suspected of a certain
wrongdoing but is innocent, as the pain that such a person experi-
 ences atones for his sins. This statement also appears to imply that
 it is possible to suspect an absolutely innocent person. **And Rav**
Pappa said: They suspected me of a certain wrongdoing but I
was not guilty.

The Gemara answers: **It is not difficult. This is referring to a**
rumor that stops, and therefore it is possible that it is groundless,
 whereas that is referring to a rumor that does not stop, and in
 that case there must be a factual basis for the suspicion. The
 Gemara asks: To be considered a rumor that does not stop, for
 how long must it persist? **Abaye^p said: My nurse told me: Local**
gossip lasts for a day and a half, and then it is deemed to be a
 rumor that does not stop.

The Gemara comments: **This applies only if the rumor did not**
stop in between, during the day and a half, **but if it stopped in**
between then we have no problem with it, and it is not a persis-
 tent rumor. **And if the rumor stopped in between, we said that it**
 is considered baseless **only if it stopped of its own accord and not**
out of fear, i.e., because the suspect is violent and therefore people
 are afraid to speak badly about him. But if the rumor **stopped out**
of fear, then this dispensation does **not** apply, and it is still
 assumed that there must be some basis to the rumor.

And we said that a rumor that stopped is assumed to be baseless
only if it did not arise again.ⁿ But if it arose again, then this does
 not apply. **And we said that a rumor that does not stop must be**
 taken seriously **only if the slandered person has no enemies. But**
 if he has known enemies, then it can be assumed that it was the
 enemies who disseminated the rumor.

MISHNA One may not write bills of debt on the
 intermediate days of a Festival. But if
 the lender does not trust the borrower, and he is concerned that
 the borrower will later deny the loan, or if the scribe has nothing
 to eat, then he may write a bill of debt during the Festival week.

One may not write Torah scrolls,ⁿ phylacteries, or *mezuzot*
 on the intermediate days of a Festival, nor may one correct a
 single letter, even in the Torah scroll of Ezra,ⁿ which was kept in
 the Temple and upon which all the Jewish communities
 relied. Rabbi Yehuda says: One may write phylacteries and
mezuzot for himself on the intermediate days of a Festival if he
 needs them.

HALAKHA

Writing a Torah scroll – קתיבה בספר: It is prohibited to write or
 correct even one letter in a Torah scroll during the intermedi-
 ate days of a Festival. Some say this is prohibited even if it is
 needed for communal use during the Festival. The accepted

custom is to permit writing in ordinary handwriting and to
 prohibit only the special scribal writing used for Torah scrolls
 (*Shulhan Arukh, Orach Hayyim* 545:1, and in the comment
 of Rema).

וְטוֹדָה עַל יְרִיבוֹ תְּכַלֵּת לְצִיצִיתוֹ.

And one may spin sky-blue wool⁸ for his ritual fringes on his thigh,^{HB} but not in the ordinary manner with a spindle, as this procedure must be performed in an altered manner on the intermediate days of a Festival.

HALAKHA

Making phylacteries and ritual fringes during a Festival – עֲשִׂיתָ תְּפִלִּין וְצִיצִית בְּמוֹעֵד – One may write phylacteries and *mezuzot* for himself and spin strings on his thigh for ritual fringes. If his income is minimal or if he needs to make more money in order to cover the expenses of the Festival then he may write these items and sell enough of them to others so that he can earn a living. If he writes phylacteries in order to wear them during the intermediate days of the Festival then it is permitted for him to write them in any case (Rema), because the *halakha* is in accordance with the opinion of Rabbi Yehuda and Rabbi Yosei (*Shulḥan Arukh, Orah Hayyim* 545:3).

NOTES

A person may write phylacteries – כּוֹתֵב אֶדָם תְּפִלִּין – Nevertheless, one may not write a Torah scroll. This is because the mitzva of fringes and phylacteries are completed when work on them is finished. However, the mitzva pertaining to a Torah scroll is not completed when it is written, as Torah scrolls are written in order to fulfill the mitzva of teaching Torah (*Commentary on Rif*).

Write phylacteries...for himself – כּוֹתֵב אֶדָם...תְּפִלִּין...לְעַצְמוֹ – Many of the early authorities discuss a question not mentioned by the Gemara: Should one wear phylacteries during the intermediate days of a Festival? The dispute exists primarily between the early authorities, many of whom say that one may not wear phylacteries during the intermediate days because this period is considered to be like a Festival, during which wearing phylacteries is prohibited (Rif; Rambam; Rashba). The Meiri states that this was the common custom in Spain. Others say that one is required to wear phylacteries during the intermediate days (Rash; Ritva; *Sefer HaMeorot*). The Meiri writes that this is the accepted custom in all of France. Some say that since there is a doubt with regard to this issue, it is preferable to wear phylacteries without reciting a blessing (see Ran; Meiri). This dispute remains unresolved, and the standard Ashkenazic custom is to wear phylacteries and recite the blessings over them (Rema). However, the Sephardic and Hasidic customs, and the custom in Eretz Yisrael, is to not wear phylacteries during this period.

The simple explanation of the statements of the *tanna'im* in the *baraita* is in accordance with those who are of the opinion that phylacteries should be worn during the intermediate days of a Festival, and this also seems to be the opinion stated in the Jerusalem Talmud (see Meiri).

According to those who say that phylacteries should not be worn during the intermediate days of a Festival, this *baraita* is referring to one who is writing phylacteries for himself so that he will have them immediately after the Festival. Similarly, one who is selling phylacteries to others is doing this so that other people will have them when they are needed (Rif).

Some explain that the question of whether or not phylacteries are worn on the intermediate days is the basis of the dispute in the mishna. Rabbi Meir and Rabbi Yehuda claim that one is required to wear phylacteries during the intermediate days of a Festival because they say, in accordance with an opinion that is rejected, that one is required to wear phylacteries on Shabbat and on Festivals as well. However, Rabbi Yosei holds that one may not wear phylacteries during the intermediate days of a Festival (Rabbeinu Yehonatan of Lunel).

Enough to provide for his livelihood – כִּדְי פְּרִיקָתוֹ – The *Ba'al Halakhot Gedolot* explains that this expression refers to one who has nothing to eat. Many of the early authorities challenge this opinion, as if this were the case then certainly even Rabbi Meir would agree that it would be permitted. Consequently, they explain that the expression: Enough to provide for his livelihood, includes earning enough to cover expenses beyond one's most basic needs, such as the additional expenses of the Festival. With regard to the reason for this, some explain that once writing phylacteries is permitted, it is possible to expand this leniency and claim that one may write phylacteries in order to sell them (Rid).

GEMARA The Sages taught the following *baraita*: A person may write phylacteries^N and *mezuzot* for himself^N and spin sky-blue wool for his fringes on his thigh. And for others he may do these things as a favor, but not for payment. This is the statement of Rabbi Meir. Rabbi Yehuda says: If he initially made them for himself, he may employ artifice, sell his own and then go back and write new ones for himself. Rabbi Yosei says: He may write and sell them in his usual manner, in the amount that is enough to provide for his livelihood.^N

BACKGROUND

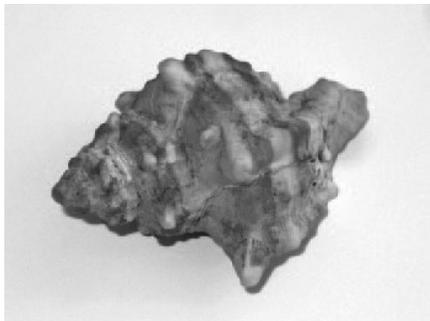
Sky-blue wool – תְּכַלֵּת – This was made with a special dye produced from a species of snail. In talmudic times, this dye was already quite rare, and the means of preparing it, including the species of snail used, were eventually forgotten. In recent generations, efforts have been made to identify the snail and to resume use of the dye. A common identification today is the *Murex trunculus*. Others have suggested the common cuttlefish, *Sepia officinalis*, or the raft snail, *Janthina janthina*.

The Torah requires wool that is dyed sky-blue for two purposes: It is used for ritual fringes; some of the four threads of each fringe must be dyed with this special blue dye, and they are wound around the other threads. However, the mitzva to wear fringes is not contingent on one of the threads being dyed, and today all ritual fringes are made without the dyed thread. In addition, in the priestly vestments, wool dyed this color is used in all or part of the sash, the entire cloak, the *ephod*, and the breastplate.



Raft snail

Methods of spinning – דְּרָכֵי טוּיָה – Spinning fibers of linen, cannabis, cotton, or wool in order to form strings was done with special utensils and complex spindles. Instead of a spindle, which is turned in order to wind the strings, it is also possible to use a stone. Without a spindle or stone, it is possible to spin in a simpler way, without the use of any external utensil, by winding strings around one's thigh.



Murex



Common cuttlefish

Woman spinning wool with a spindle

שְׁלֹשָׁה יָמִים קֹדָם – Three days before a pilgrimage Festival – הַרְגָּל: The reason for this is because the first three days of mourning are considered to be the most stringent in several ways, as will be explained later. Consequently, they are treated as a separate entity, e.g., with regard to wearing phylacteries according to many authorities (Ritva; see *Sefat Emet*).

גִּזְרַת שִׁבְעָה... הַדְּעָרָה שְׁבַע... – The decree of seven...the decree of thirty – גִּזְרַת שְׁלֹשִׁים: They are referred to by the term decree because all the *halakhot* of mourning are based on rabbinic decree (Rabbi Shlomo ben HaYatom).

Because they said – מִפְּנֵי שֶׁאָמְרוּ – The Ritva questions this wording, which seems to introduce a new issue, but in fact only restates what is previously mentioned in the mishna. He explains that because all the *halakhot* of mourning are of rabbinic origin, it is the Sages who decide both what the *halakhot* of mourning are and how they are counted. Rabbi Shlomo ben HaYatom explains that the phrase: Because they said, introduces a quotation of a tradition that was transmitted by Moses from Sinai, and this quotation serves as the basis for the *halakha* in the mishna.

Shabbat and Festivals – שַׁבַּת וַיּוֹם טוֹב – Several explanations are offered for the difference between Shabbat and Festivals. Some say that the difference between them is that one may not perform a public display of mourning on Shabbat; however, mourning applies in private. For this reason, Shabbat counts as part of the mourning period. It has already been noted that this opinion fits with the opinion that there is no private mourning during a Festival (see Jerusalem Talmud, Rambam's Commentary on the Mishna; Rabbeinu Yehonatan of Lunel).

In the Jerusalem Talmud it is explained that Shabbat does not interrupt the mourning because if it did then there would never be a seven-day period of mourning. Some of the early authorities (*Ba'al Halakhot Gedolot*; *She'iltot*) make the following distinction: One is required to have enjoyment from Shabbat, and therefore one may not engage in public displays of mourning during it. Yet one may still be slightly sad during Shabbat. On the other hand, one is commanded to be joyous during the Festival, and therefore the *halakhot* of mourning are nullified altogether.

אוֹרֵי לַיָּה רַב לְרַב חֲנַנְיָאֵל, וְאָמְרוּ לָהּ רַבָּה בַּר בַּר חֲנָה לְרַב חֲנַנְיָאֵל: הַלְכָהּ, פּוֹתֵב וּמוֹכֵר כְּדָרְכּוֹ כְּדֵי פְרִינְסָתּוֹ.

“וְטוֹוָה עַל יְרִיכוֹ תְּכֵלֶת”. תֵּנּוּ רַבֵּנּוּ, טוֹוָה אָדָם עַל יְרִיכוֹ תְּכֵלֶת לְיַצִּיעֵתוֹ, אֲבָל לֹא בְּאֶבֶן, דְּבָרֵי רַבִּי אֱלִיעֶזֶר. וְחֲכָמִים אוֹמְרִים: אִף בְּאֶבֶן. רַבִּי יְהוּדָה אוֹמֵר מְשֻׁמוֹ: בְּאֶבֶן, אֲבָל לֹא בְּפֶלֶךְ. וְחֲכָמִים אוֹמְרִים: בֵּין בְּאֶבֶן בֵּין בְּפֶלֶךְ.

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל, וְכֵן אָמַר רַבִּי חִיָּיא בַר אֲבָא אָמַר רַבִּי יוֹחָנָן: הֲלָכָה, בֵּין בְּאֶבֶן בֵּין בְּפֶלֶךְ. וְהֵלְכָה: פּוֹתֵב כְּדָרְכּוֹ וּמוֹכֵר כְּדֵי פְרִינְסָתּוֹ.

מִתְנַיִ' הַקּוֹבֵר אֶת מֵתוֹ שְׁלֹשָׁה יָמִים קֹדָם לְרָגֶל – בְּטָלָה הַיָּמִינוּ גִּזְרַת שִׁבְעָה. שְׁמוֹנָה – בְּטָלוּ הַיָּמִינוּ גִּזְרַת שְׁלֹשִׁים.

מִפְּנֵי שֶׁאָמְרוּ: שַׁבַּת עוֹלָה וְאֵינָה מַפְסְקָת, רְגָלִים – מִפְּסִיקוֹן וְאֵינָן עוֹלִין.

רַבִּי אֱלִיעֶזֶר אוֹמֵר: מִשְׁתַּרְבַּב בֵּית הַמִּקְדָּשׁ עֲצַרְתָּ כְּשַׁבַּת.

Rav ruled for Rav Hananel, and some say it was Rabba bar bar Hana who ruled for Rav Hananel: The *halakha* is that one may write and sell them in his usual manner, in the amount that is enough to provide for his livelihood.

§ The mishna taught: And one may spin sky-blue wool for his ritual fringes on his thigh. The Sages taught a *baraita*: A person may spin sky-blue wool for his ritual fringes on his thigh, but not with a stone, which can be used to form a small spindle and ease the spinning process; this is the statement of Rabbi Eliezer. But the Rabbis say: One may spin the sky-blue wool even with a stone. Rabbi Yehuda said in the name of Rabbi Eliezer: It is permitted with a stone, but not with a spindle. And the Rabbis say: One may spin this wool with either a stone or a spindle.

Rav Yehuda said that Shmuel said, and similarly Rabbi Hiyya bar Abba said that Rabbi Yohanan said: The *halakha* is that one may spin the sky-blue wool for fringes on the intermediate days of a Festival, both with a stone and with a spindle, owing to the importance of the mitzva of ritual fringes. And similarly the *halakha* is: One may write phylacteries and *mezuzot* on the intermediate days of a Festival in his usual manner and sell enough to provide for his livelihood.

MISHNA One who buries his deceased relative three days before a pilgrimage Festival^N has the decree of the seven-day period of mourning, i.e., the *halakhot* and prohibitions associated with that period, nullified for him by the Festival. He is not required to complete this seven-day mourning period after the Festival. If one buries his deceased relative eight days before a pilgrimage Festival, then the decree of thirty days is nullified for him. The restrictions that ordinarily apply during this thirty-day mourning period no longer apply after the Festival.^N

This is because the Sages said^N a principle with regard to this issue: Shabbat counts as one of the days of mourning, although one may not mourn on it and it does not interrupt^H the mourning period, which continues after Shabbat. The pilgrimage Festivals, on the other hand, interrupt the mourning period,^N so that if one began mourning before such a Festival, then the mourning period is canceled by the Festival. They do not, however, count.^H If one did not begin mourning before the Festival, or if his relative died during the Festival, then he is required to complete his mourning period afterward, as the days of the Festival do not count toward the requisite days of mourning.

Rabbi Eliezer says: From the time that the Temple was destroyed, *Shavuot* is like Shabbat, because nowadays the days following *Shavuot* are not treated like Festival days. When the Temple stood, many of the Festival's offerings that could not be sacrificed on *Shavuot* itself would be sacrificed during the six days following the Festival. Nowadays, however, when offerings are no longer sacrificed, *Shavuot* lasts for only one day in Eretz Yisrael, and therefore it is treated like Shabbat with regard to mourning: It counts as one of the days of mourning, but does not interrupt the period of mourning.

HALAKHA

שַׁבַּת עוֹלָה וְאֵינָה – Shabbat counts and it does not interrupt – מִפְּסִיקָת: Shabbat is counted as one of the days of mourning, although the restrictions of mourning do not apply during it. It does not interrupt the mourning period (*Shulhan Arukh, Yoreh De'a* 400:1).

רְגָלִים מִפְּסִיקוֹן וְאֵינָן – Festivals interrupt, they do not count – עוֹלִין: If one began mourning before a Festival, the Festival interrupts his mourning, and he does not continue mourn-

ing upon the conclusion of the Festival. However, if he did not begin observing mourning practices before the Festival, then the days of the Festival are not counted toward his mourning period, and he must observe the mourning in its entirety afterward. In the Diaspora, where two Festival days are observed, the last day of the Festival is counted as one of the seven days of mourning, so only six more days are observed after the Festival ends (*Shulhan Arukh, Yoreh De'a* 399:2).

Rosh HaShana and Yom Kippur with regard to mourning – ראש השנה ויום כיפור באבילות: The *halakha* is in accordance with the opinion of Rabban Gamliel that Rosh HaShana and Yom Kippur have the same status as other Festivals with regard to mourning (Shulhan Arukh, Yoreh De'a 399:6).

NOTES

The opinions of the *tanna'im* in the mishna – שיטות התנאים – במישנה: The Ramban explains that, according to Rabbi Eliezer, because Passover and Sukkot last for seven days, it interrupts the mourning and ends all of the mourning obligations. However, this does not apply to a Festival that lasts for only one day, and after the Temple was destroyed *Shavuot* was celebrated for only one day. It is therefore treated like Shabbat.

Alternatively, Rabban Gamliel says that the difference between Shabbat and Festivals with regard to mourning is related to the nature of the days and not to their length. Festivals, which are days of joy, cancel mourning entirely, and therefore all Festivals are included in this group, even *Shavuot*. The Rabbis essentially agree with Rabbi Eliezer; however, they say that since the additional six days were added to make up the offerings of *Shavuot*, it therefore falls into the same category as other Festivals, especially since it is listed together with them in the Bible. However, this is not the case with regard to Rosh HaShana and Yom Kippur.

The days were not nullified – ימים לא בטלו: Some explain that, according to Rav, the harsh decrees of mourning are nullified. However, the days of mourning themselves are not nullified. Therefore, after the Festival one is required to make up the days on which he did not mourn by refraining from cutting his hair during that time (Rabbi Shlomo ben HaYatom).

רבן גמליאל אומר: ראש השנה ויום הכיפורים כרגלים. וחכמים אומרים: לא כדברי זה ולא כדברי זה, אלא: עצרת – כרגלים, ראש השנה ויום הכיפורים – כשבת.

Rabban Gamliel says: Even Rosh HaShana and Yom Kippur are considered like the pilgrimage Festivals, in that they interrupt the mourning period but are not counted toward the days of mourning.^H And the Rabbis say: The *halakha* is neither in accordance with the statement of Rabban Gamliel nor in accordance with the statement of the Rabbis. Rather, with regard to mourning, *Shavuot* is treated like the other pilgrimage Festivals, whereas Rosh HaShana and Yom Kippur are treated like Shabbat.^N

גמ' אומר רב: גורת – בטלו ימים – לא בטלו. וכן אמר רבי הונא: גורת – בטלו ימים – לא בטלו. ורב ששת אמר: אפילו ימים נמי בטלו.

GEMARA With regard to the mishna's statement that the seven- and thirty-day periods of mourning are nullified, Rav said: The decree, meaning the main prohibitions of the period, was nullified, but the days of mourning themselves were not entirely nullified.^N Instead, these periods of mourning remain to some degree. And so said Rav Huna: The decree was nullified, but the days of mourning themselves were not nullified. And Rav Sheshet said: Even the days of mourning were also nullified.

מאי טעמא ימים לא בטלו? שאם לא גילח ערב הרגל – אסור לגלח אחר הרגל.

The Gemara asks: What is the reason that the days themselves were not nullified? The Gemara explains: It is so that if one observed eight days of mourning before the Festival, so that the prohibition against hair cutting was nullified before the Festival, but for whatever reason he did not cut his hair on the eve of the Festival, he is prohibited from cutting his hair after the Festival until the end of the thirty-day period of mourning. In other words, the mourning period was not entirely nullified, and since he did not take advantage of the allowance to cut his hair before the Festival, he must observe the prohibitions applying during the thirty-day period of mourning after the Festival as well.

Perek III
Daf 19 Amud b

והתנאי: הקובר את מתו שלשה ימים קודם לרגל – בטלה הימנו גורת שבעה. שמונה ימים קודם לרגל – בטלה הימנו גורת שלשים. ומגלח ערב הרגל. אם לא גילח ערב הרגל – אסור לגלח אחר הרגל.

But isn't it taught^N in a *baraita*: In the case of one who buries his dead relative three days before a pilgrimage Festival, the decree of the seven-day period of mourning is nullified for him. If one buries his dead relative eight days before a Festival, the decree of thirty days is nullified for him, and therefore he may cut his hair on the eve of the Festival. If, however, he did not cut his hair on the eve of the Festival, he is prohibited from cutting his hair after the Festival^N until the end of the thirty-day period of mourning.

אבא שאול אומר: מותר לגלח אחר הרגל. שבשם שמצות שלשה מבטלת גורת שבעה – כך מצות שבעה מבטלת גורת שלשים.

Abba Shaul says: Even if he failed to cut his hair on the eve of the Festival, he is permitted to cut his hair after the Festival, for just as his observance of the mitzva of three days of mourning prior to the Festival cancels the decree of the seven-day period of mourning, and so if the deceased was buried three days before the Festival, the mourner is no longer required to continue this period of mourning after the Festival, so too, his observance of the mitzva of seven days of mourning before the Festival cancels the decree of the thirty-day period of mourning.

NOTES

But isn't it taught – והתנאי: Most of the commentaries explain that the expression: But isn't it taught, which normally introduces a challenge, introduces a support in this case. However, there is a dispute about the details of this support. Some say that it serves as proof for Rav Huna's opinion, based on the first *tanna*, who makes an explicit statement in accordance with his opinion (*Tosafot*, see *Yad David*). Some say the expression: But isn't it taught, means here: Like the dispute between *tanna'im*, and note that the dispute between Rav Huna and Rav Sheshet parallels an explicit tannaitic dispute (Rid; *Talmid*

Rabbeinu Yehiel of Paris; Ritva). However, others claim that it is not possible to say that this dispute is like the dispute between *tanna'im* because the dispute between *amora'im* is about how to explain the mishna. It is not a dispute concerning the *halakha* itself (*Tal Hayyim*).

There is another opinion, according to which the expression: But isn't it taught, is meant to introduce a challenge by Rav to Rav Huna's opinion, based on Abba Shaul's statement, which is the accepted *halakha*. According to this explanation, it was not Abaye who said that the *halakha* is in accordance with the

opinion of Abba Shaul with regard to the seventh day of mourning, but Rav. This also explains Rav's answer that the *halakha* is not in accordance with Abba Shaul with regard to every issue (Rabbeinu Hananel).

He is prohibited from cutting his hair after the Festival – אסור לגלח אחר הרגל: Some say that this serves as a sort of punishment. Because this mourner did not mind entering into the Festival while he was disheveled, the Festival no longer cancels the restrictions that apply during his thirty-day period of mourning (*Talmid Rabbeinu Yehiel of Paris*).