

The Weekly Daf



by Rav Mendel Weinbach - Dean, Ohr Somayach Institutions

Mo'ed Katan 11 - 17

Issue # 297 Parshat Lech Lecha

Week of 8 - 14 Cheshvan 5760 / 18 - 24 October 1999

Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied in the course of the worldwide Daf Yomi cycle

Inheriting the Penalty

In several situations, the Sages penalized someone who violated Torah or Rabbinic law by forbidding the use of the product of that violation. One such situation appears in our *mishna* — the person who intentionally postpones work until the Intermediate Days of Pesach or Succot, work which he could have done earlier. Any gain he acquires from such an effort is forbidden to be enjoyed.

What happens if the violator dies; may his heirs benefit from the result of his forbidden work? Was the penalty directed towards the offender, or to the *product* of his offense?

In posing this question Rabbi Yirmiyahu stated that even if we posit that in the case of other rabbinical penalties they apply to the heirs as well, this may not be true here. If one intentionally cuts off a bit of the ear of a first-born animal in an attempt to make it ineligible for a sacrifice and thus permissible for use, it may be that his heirs too will be penalized by being forbidden use of that animal because maiming a sacred animal is a Torah prohibition. If someone sells a slave to a non-Jew, it may be that the penalty requiring him to free that slave (if the slave flees his new owner and returns) applies to his heirs as well, because selling him to a non-Jew is a serious offense in that it renders the slave incapable of performing the *mitzvot* incumbent on him. Neither of these considerations is present in the case of one who violated the law concerning scheduling work for the Intermediate Days.

In his response to this question, Rabbi Zeira compares this situation to the penalty imposed on one who violated the rabbinical law of the *shemita* (seventh) year, prohibiting fertilization of his field. Just as in that case the penalty applies to him but not to his heirs, so too in our case, the violation of the rabbinical law concerning the Intermediate Days applies only to the offender and not to his heirs.

Why, asks the great eighteenth century scholar Rabbi Yechezkel Landau of Prague (*Responsa Noda B'Yehuda Vol. 1, Orach Chaim Responsa 20*), does the *gemara* not mention the penalty which the Sages imposed on one who retained possession of his *chametz* on Pesach, and discuss whether this penalty applies here as well? His explanation is that in all the cases cited by the *gemara* the Sages never declared the *object* involved in the offense forbidden to all. It was the *offender* who was thus proscribed, and there is therefore the logical possibility that even his heirs who inherit the property of the offender may not be affected. In the case of *chametz*, however, it is prohibited for every Jew to derive any benefit from *chametz* owned by a Jew during Pesach, and once it became thus prohibited, its status cannot change. It was therefore obvious to the *gemara* that it would remain forbidden to all even after the death of the offender.

Mo'ed Katan 12b-13a

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22 Shimon Hatzadik Street, POB 18103, Jerusalem Israel

972-2-581-0315

fax: 972-2-581-2890

info@ohr.org.il

38 East 29th Street 8th floor, New York, NY 10016, USA

1-212-213-3100

fax: 1-212-213-8717

RZCorlin@aol.com or estern@aol.com

613 Clark Avenue West, Thornhill, Ontario L4J 5V3, Canada

1-905-886-5730

fax: 1-905-886-6065

Somayach@MSN.com

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The Reward for Outreach

The greatness of a *tzaddik* is described by one of the Sages, on the basis of a passage in the Book of Shmuel (II 23:3), in terms of his ability to have Hashem annul a decree that He has issued.

In his footnotes, Rabbi Yeshayahu Pik Berlin of Breslau refers us to a *gemara* (*Bava Metzia 85a*) with a similar idea. There we find the very same sage, Rabbi Shmuel bar Nachmeini, quoting Rabbi Yonatan, that one who teaches Torah to the son of an ignorant Jew also has the power to have Divine decrees annulled.

There is a significant difference, however, between the two statements. In his commentary on *Ein Yaakov*, Rabbi Yeshayahu Pinto points out that a *tzaddik's* ability to annul a harsh Divine decree is dependent on his appealing to Hashem for such mercy. But regarding one who reaches out and teaches a Jew who grew up in a home where he had no opportunity to study Torah, his reward is so great that there is no *need* for him to even make such an appeal to Hashem, for the merit of his action is so immense that it neutralizes harsh decrees.

This approach leads Rabbi Pinto to an innovative interpretation of the verse which the *gemara* cites as its source for the great reward given for teaching an ignorant man's son: "If you shall extract great value from someone so coarse, you shall be like my mouth." (*Yirmiyahu 15:19*) The simple reading of this passage indicates a Divine promise to grant the teacher power equal to that of Hashem's. But this would not prove that his power is greater in that he can *annul* the Divine decree. Rabbi Pinto, therefore, suggests that the passage be understood as "you shall be like *the* mouth" — a reference to the mouth of a *tzaddik*, which our *gemara* already proves has even the power of annulment. What the Prophet Yirmiyahu is then promising the Jew who reaches out to the unlearned is that the power of their action will be as great as "the mouth of the *tzaddik*," and that even without appealing to Hashem as the *tzaddik* must, they can achieve annulment of Divine decrees.

Mo'ed Katan 16b

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☎ 972-2-581-0315

fax: 972-2-581-2890

✉ info@ohr.org.il

☎ 38 East 29th Street 8th floor, New York, NY 10016, USA

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