

CHAVRUTA

SHABBAT – DAF KUF LAMED TET

Translated by: *Chavruta staff of scholars*
Edited by: *R. Shmuel Globus*

Rather, how do I explain (Amos 8:12), “They shall wander to seek the word of Hashem, but shall not find it”? That they shall not find a clear Halachah without disputes, even in one place in the world.

It was taught in a Baraita: Rabbi Yosi son of Elisha says: If you see a generation that great sufferings are coming upon them, go out and check the judges of Israel, perhaps they are not judging righteous judgments. As all punishments that come to the world only come because of judges of Israel.

As it says (Michah 3:9-11), “Please hear this, heads of the House of Yaakov and leaders of the House of Israel who loathe justice and twist all that is straight. Who build Zion in blood and Jerusalem in sin. Her leaders judge for bribery and her Kohanim instruct for payment and her prophets divine for money, and they rely on Hashem”.

The Tanna explains: **They are evil** (the judges and the Kohanim and the prophets), **but they placed their trust in the One Who spoke, and brought the world into existence.** The prophet Michah did not intend to say that the trust of the sinners in Hashem (“and they rely on Hashem”) was in fact an additional sin. Rather, their trust in Hashem did not save them.

We find that the prophet cried out over three sins that they would do in order to receive money. And it was with this money that they built their homes in Jerusalem. And these are the sins:

- 1) False judgments
- 2) False instructions

PEREK 20 – 139A

3) False prophecies.

Therefore, the Holy One brought upon them three punishments for the three sins that were in their hands.

As it says regarding their punishment (Michah 3:12), “Therefore, because of you:

1) Zion will be ploughed like a field

2) And Jerusalem will become piles of rubble

3) And the Temple Mount will become like heaps in a forest”.

And the Holy One does not rest His Divine Presence on Israel until the evil judges and officers are destroyed from Israel.

As it says (*Yeshayahu*¹ 1:25-26), “And I shall turn My hand upon you and I shall refine your dross as with soap and I will remove all of your base metal (*bedilayich*). And then I will restore your judges as at first and your advisors as at the beginning; after that you will be called “City of Righteousness, Faithful City”.

The prophet said that after Hashem will remove the evil judges that are called *bedilim* since they are separated as the head of the nation; and He will return righteous judges to Jerusalem; then He will rest his Divine Presence upon Jerusalem.

Said Ula: Jerusalem is only redeemed through righteousness.

As it says (*ibid* 1:27), “Zion will be redeemed through justice and those that return to her through righteousness”.

¹ Isaiah

PEREK 20 – 139A

Said Rav Pappa: If the haughty would cease (i.e. those Jews who are pompous in their personal appearance), **the heretics would cease** (i.e. those heretics who attempt to drive us away from the Torah).

And if the evil judges of Israel would cease, the officers (the gentile officers who hit Jews with sticks) **would cease.**

Rav Pappa clarifies the source for this:

If the haughty would cease, the heretics would cease. This is learned from the prophecy of Yeshayahu **as it is written** (*ibid* 1:25), **“And I shall refine your dross** (*sigayich*) **as with soap,** and I will remove all of your base metal.”

“*Sigayich*” is related to *sagi*, meaning lofty and upraised, i.e. haughty. And “*bedilayich*” is expounded to mean to separate.

The prophet said that when you shall not grow to be haughty, the people that separate Israel from their Father in Heaven shall not drive you away.

If the judges would cease, the officers would cease. We learned this from the prophecy of Tzefaniah, **as it is written** (*Tzefaniah* 3:15), **“Hashem has removed your judgments, He has cleared away your enemy”.**

The prophet said that after Hashem has removed the judges who accept bribery, he will turn and remove the enemies of Israel.

Said Rabbi Millai in the name of Rabbi Elazar son of Rabbi Shimon: What is the meaning of that which is written (*Yeshayahu* 14:5), **“Hashem has broken the staff of the wicked, the rod of rulers”.**

PEREK 20 – 139A

Hashem has broken the staff of the wicked: These are the judges that have become a staff in the hands of their officers. This refers to the fact that the judges would support the personal interests of the Rabbinical Court's officials, who would not call the litigants to judgment and would not enforce the rulings of the Court unless they were paid large amounts of money.

The rod of rulers: These are the Torah scholars in the families of the judges that would justify the crooked rulings of the judges, and by covering up for them, they would support their actions.

Mar Zutra said: These are the Torah scholars who would teach the Halachot pertaining to public affairs to ignorant judges. They would appoint ignorant judges on condition that they would consult the scholars. However, the judges would decide for themselves without first consulting.

Said Rabbi Eliezer son of Millai in the name of Reish Lakish: What is the meaning of that which is written (*ibid* 59:3), “For your palms are stained with blood and your fingers with sin; your lips speak falsehood, your tongues utter wickedness”.

For your palms are stained with blood: These are the judges who take bribery in their palms. In stealing from the defendant it is considered as if they have taken away his soul.

And your fingers with sin: These are the scribes of the judges who write incorrect documents.

Your lips speak falsehood: These are the lawyers who instruct the litigants to make false claims.

Your tongues utter wickedness: These are the litigants who lie.

PEREK 20 – 139A

And said Rabbi Millai in the name of Rabbi Yitzchak of Gadla'ah: From the day that Yosef separated from his brothers, until the day that he dined with them, he did not taste the taste of wine, as it is written (*Bereishit* 49:26), “They shall be on the head of Yosef, and on the crown of the head (*nazir*) of the one who separated from his brothers.” Yosef is called a *nazir*, a Nazirite, since he did not drink wine.

Rabbi Yosi son of Rabbi Chanina said: Even they did not taste the taste of wine. As it is written (*ibid* 43:34), “And they drank and they became intoxicated with him”. This implies that until this time, they did not drink, like he did not.

And the other one holds that only regarding intoxication, they the brothers did not engage in it. But drinking wine, they did engage in it.

And said Rabbi Millai: As reward for Aharon, that he was not jealous of Moshe when Hashem sent Moshe to take Israel out of Egypt, although Aharon had reason to be jealous since he was older than Moshe and had received the Divine Presence before him. Nevertheless, Aharon rejoiced in his heart when Hashem chose Moshe for this exalted mission, as it is written (*Shmot* 4:14), “And he saw you and he rejoiced in his heart”. As reward for this, he (Aharon) merited wearing the priestly garment called the breastplate of judgement (*choshen hamishpat*) on his heart.

The people of Baschar sent to Levi the following three questions:

1) A canopy: What is the law concerning erecting it on Shabbat?

PEREK 20 – 139A

- 2) ***Kishuta*** (a type of vegetation that grows inside a bush), that they wish to plant it **in a vineyard, what is the law?** Is it classified as a tree and is not forbidden due to *kil'ei hakerem*², or is it a vegetable, which falls under this prohibition?
- 3) **A corpse on Yom Tov, what is the law concerning burying it?**

At the time that he (the messenger) **went, Levi passed away.**

Said Shmuel to Rav Menasia: If you are wise, send to them answers to their questions.

He sent to them three answers to their three questions:

- 1) **A canopy: We searched all sides of the matter of a canopy and we did not find any side to permit it.**

The Gemara raises a difficulty: **And let him send to them** that if the canopy has a thread or string, it is permitted, **like** the case of **Rami son of Yechezkel?**

The Gemara resolves the difficulty: It was better that he would hide from them this permission, **since they are not learned people** and they will come to permit all canopies.

*

- 2) ***Kishuta* in a vineyard: It is a mixture** (and therefore prohibited).

The Gemara raises a difficulty: Why did he prohibit them? **And let him send to them** an answer **like** the statement of **Rabbi Tarfon**, saying that it is permitted?

² forbidden mixture of crops in a vineyard.

PEREK 20 – 139A

As it was taught in a Baraita: **Kishut, Rabbi Tarfon says: There is not** in its planting amongst vines the prohibition of *kil'ei hakerem*, as it is a type of tree.

And the Sages say: It is *kil'ei hakerem*, as it is a type of vegetation.

And we have established the following rule: **Whoever is lenient in** the mitzvot pertaining to **the land** of Israel, **the Halachah follows him outside of the land** i.e. concerning the land-related laws that the Rabbis decreed outside of the land.

The Gemara resolves the difficulty: **Since they are not learned people.**

Rav announced: A person who wishes to plant *kishuta* in a vineyard, let him plant, as the Halachah follows Rabbi Tarfon outside of the land of Israel.

And in contrast, **Rav Amram the Pious would give lashes for it** (for one who plants *kishuta* in a vineyard).

Rav Mesharshei held that it is permitted and nevertheless he did not plant himself, so that others would not learn to be lenient in these prohibitions. **Rather, he gave a coin to a gentile child and he would plant for him *kishuta*** in the vineyard.

*

The Gemara raises a difficulty: **And let him give** the coin **to a Jewish child** and let him plant, as it is permitted to plant *kishuta* in a vineyard. And by giving it over to a child to plant, it would make it clear to all that the prohibition of mixtures in a vineyard also applies outside of the land of Israel, in regards to true vegetables.

The Gemara resolves the difficulty: He was concerned that **he** (the child) **will come to sin** when he grows up, and plant mixtures in a vineyard.

PEREK 20 – 139A

*

The Gemara raises a further difficulty: **And let him give it to an adult gentile** to plant, since it is actually permitted to plant *kishuta* in a vineyard?

The Gemara resolves the difficulty: **One will come to confuse him with a Jew**, and think that it is also permitted for a Jew to do it.

*

3) **A corpse** on Yom Tov.

He sent to them: A corpse, neither Jews nor gentiles may be involved with its burial, neither on the first day of Yom Tov, nor the second day of Yom Tov that is kept in the Diaspora.

The Gemara raises a difficulty: **Is this true** that it is not permitted?

But surely said Rabbi Yehudah son of Shilat, said Rabbi Asi: There was a case in the Synagogue of Ma'on where there was corpse there **on Yom Tov close to Shabbat...**

Ammud Bet

...and I do not know whether Yom Tov fell on the day **before it** i.e. on a Friday **or** if Yom Tov fell on the day **after it** i.e. on Sunday.

PEREK 20 – 139B

And they came before Rabbi Yochanan, and he said to them: (He waived the prohibition against asking a gentile to do *melachah* on Yom Tov, in honor of the dead. And therefore he said:) **Gentiles should be involved** in its burial.

Rav Asi held that Rabbi Yochanan would not permit burial on Yom Tov that fell in the middle of the week. One may only permit the prohibition in order that the corpse will not remain unburied for more than one day. His doubt was as follows:

Did Rabbi Yochanan only permit the burial on a Yom Tov that fell on a Sunday, for a person that died on Shabbat, since it had already gone through a day and it would then rot?

Or did he even permit burying a corpse on a Yom Tov that fell on a Friday, in order that it not remain unburied for two days, since there is no permission whatsoever to bury on Shabbat?

And said Rava: A corpse that requires burial, **on the first day of Yom Tov, a gentile should be involved** in its burial.

And if it requires burial **on the second day of Yom Tov**, which is only a Rabbinic Yom Tov, **Jews should be involved** in its burial.

And even on the second day of Yom Tov of Rosh Hashanah, Jews should be involved in the burial. This is despite its stringency over other second days of Yom Tov, that its sanctity is considered one sanctity with the first day, according to the decree of the Sages.

But **this is not the case regarding an egg** that was laid on Yom Tov. We are stringent regarding an egg on the second day of Rosh Hashanah, that if it was laid on the first day, it is also prohibited on the second day, since both days of Rosh Hashanah are considered one sanctity, i.e. one long day. This is not the case with the other second days of Yom Tov. On those days, if an egg was laid on the first day of Yom Tov, it is permitted on the second day.

PEREK 20 – 139B

This is because the entire reason for the second day is the possibility that the first day was a weekday—since the Sanhedrin’s determination of the new month was not immediately known in the far-spread Diaspora. And an egg that was laid on a weekday is certainly permitted.

*

If so, the question arises: Why did Rav Menasia not permit the People of Baschar to bury on the first day, using gentiles, and on the second day, through Jews, as Rabbi Yochanan and Rava said?

The Gemara resolves the difficulty: **Since they are not learned people** and they will also come to be lenient in a prohibited case.

Said Rav Avin son of Rav Huna, said Rav Chama son of Guria: A person may wrap himself in a canopy. A canopy consists of a sheet draped over stands and he is therefore able to wrap himself in its sheet like a piece of clothing. **And he may wrap himself in its straps** that are connected to it, **and go out into a public domain** like that **on Shabbat.** **And he need not be concerned** that he is carrying the straps, which are not needed in order for him to wrap himself. For he is wearing the whole canopy as an article of clothing.

*

The Gemara raises a difficulty: **How is it different** (carrying the straps of a canopy) **from that case of Rav Huna?**

As said Rav Huna, said Rav: One who goes out on Shabbat in a garment with invalid tzitzit is liable a sin-offering, since the tzitzit are only a part of the garment if they are fulfilling his obligation. But when they are invalid, there is no need for them and they are considered a mere load. This should also be true also concerning the straps of the canopy.

PEREK 20 – 139B

The Gemara resolves the difficulty: **Tzitzit** that contain valuable *techelet* (turquoise-colored thread), **in regard to the garment they have significance** of their own. **And they are not nullified** as a part of the garment. But **these straps are not significant, and are nullified** to the garment, and are considered part of the garment.

Said Rabbah son of Rav Huna: According to the Rabbis who prohibit suspending a strainer over a vessel for the reason that it is a weekday action, it is permitted to suspend it in order to place pomegranates on it, as that is not a weekday action. **And a person may use a trick regarding the strainer on Yom Tov:** he may suspend it in order **to hang pomegranates in it**, even though he does not need it. And after he has placed it on the vessel, **he may then hang wine lees in it**, as it is permitted to strain on Yom Tov.

Said Rav Ashi: **And this is as long as he hung it originally for pomegranates**, that his action shows that he hung the strainer for pomegranates. It is not sufficient that he merely *says* at the time of hanging that it is for pomegranates. It is also not sufficient that he hang pomegranates *after* he has strained the lees.

The Gemara raises a difficulty with the statement of Rav Ashi: **What is the difference** here, that they only permitted the trick if he first does an action that shows intention for pomegranates. Why is it different **from this** that we find concerning *melachah* on *Chol HaMoed* (the intermediate days of the Festival)?

For it was taught in a Baraita: **One may produce beer on Chol Hamoed for Festival use.** But if **not for Festival use, it is prohibited; whether it is date beer or barley beer.**

And even though they have old beer, and he wishes to produce new beer in order that he should have beer remaining after the Festival, **one may use a trick** and produce beer on Chol Hamoed, **and drink from the new beer** that he produced on Chol Hamoed.

PEREK 20 – 139B

We therefore see that they permitted using a trick, even though his intention is not clear until he ultimately drinks it during the Festival.

The Gemara resolves the difficulty: **There** in the case of the beer, **it is not clear** that he is using a trick. Onlookers do not know that he has old beer.

But **here**, concerning the strainer, that he assumedly hung it there for the lees, if he first strains with it, **it is clear** that he hung it for the lees. Therefore, he first needed to place pomegranates there, and only after that he is permitted to strain with it.

The Rabbis said to Rav Ashi: Please take note of the improper behavior of this young Torah scholar, and his name is Rav Huna son of Rabbi Chiyon, and some say his name is Rav Huna son of Rabbi Chilvan, who used tricks:

1) **That he took a clove of garlic and placed it on the hole of a barrel** in order to repair the barrel.

And he said: I do not intend to repair the barrel but rather, **my intent was to put it** (the clove) **away** there.

2) **And he goes and dozes off on a gentile boat and thereby crosses to the other side** of the river **to guard his fruit.**

And he said: I did not intend to sail in the boat but rather, **I intended to doze off** on the boat.

He (Rav Ashi) said to them: You said tricks? This trickery that he uses **is merely regarding Rabbinic prohibitions**, as the prohibition to sail on a boat, even if he himself sails the boat, is Rabbinic. And all the more so if the one that sails the boat is a gentile.

PEREK 20 – 139B

And similarly, there is no Torah prohibition to seal a hole using food, as this is not the normal way to seal them.

And therefore, even though one may not permit a person to do this, as he might come to permit himself to do them when not using trickery, **a young Torah scholar will not come to do this *lechatchila*³**, and it is permitted for him.

MISHNAH

- 1) **One may put water** on Shabbat **onto the lees** that were in the strainer before Shabbat, **in order that they** the lees **become clear**. I.e. the water runs through them and picks up some of the wine that is in the lees.
- 2) **And one may strain the wine in sheets and in a palm-leaf basket**, as it is being done in an irregular way. Even this is only permitted when it is possible to drink the wine without first straining it. That is, the wine is not overly murky.
- 3) **And one may put an egg into a mustard strain** in which they put mustard seeds before Shabbat. The yoke of the egg descends and becomes mixed with the mustard seeds and gives it a yellow coloring. And the white of the egg remains above in the strainer with the leftovers of the mustard seeds.
- 4) **And one may make *anomalin*** (a mixture of wine, honey and peppercorns) **on Shabbat**, and one is not required to produce only the minimum required for Shabbat.

³ As things should properly be (a priori)

PEREK 20 – 139B

Rabbi Yehudah says: On Shabbat, one may make a small amount in a cup. On Yom Tov one may make more in a beaker (that is larger than a cup) and on Chol HaMoed in a barrel.

Rabbi Tzadok says: Everything may be done according to the guests.

GEMARA

Said Ze'iri: A person may put clear wine and clear water into the strainer on Shabbat and he need not be concerned. This is because most people are not particular to drink such wine or water only by straining, thus it is not considered selecting. **But murky wine or water, that it is not the normal way to drink them without straining, no.** One may not put them into the strainer on Shabbat.

They the scholars of the study hall **posed a contradiction,** from a Baraita: **Rabban Shimon son of Gamliel says: A person may mix a barrel of wine, its wine and its lees, and put it into the strainer on Shabbat, and he need not be concerned** that this is forbidden due to Selecting.

Thus the Sages permitted putting murky wine into the strainer, since it is suitable for drinking, even though people usually strain it first.

Ze'iri explained the Baraita as **teaching** about a case when it is “**between the wine-presses**”. At the time when they would press the grapes in the wine press, all of the wines were murky and people would drink them when they were mixed with wine lees. Therefore, their straining is not considered Selecting.

PEREK 20 – 139B

It was taught in the Mishnah: **One may strain the wine in sheets.**

Said Rav Simi son of Chiya: And as long as he will not make a depression in the sheet, since it is a weekday action, or out of concern that he might come to squeeze out the sheet, which is a forbidden form of work (Threshing or Laundering).

And it was also taught in the Mishnah: **And in a palm-leaf basket.**

Said Rav Chiya son of Ashi, said Rav: And as long as he does not lift the basket a *tefach*⁴ **from the base** of the vessel underneath, as he is thereby creating a tent.

Said Rav: This *parunka* (piece of clothing that they would spread over a barrel of wine to cover it), **on half of the barrel** (to spread it over half the barrel) **is permitted**, as it does not produce a tent. **Over the whole barrel is prohibited**, as it is producing a tent, as the barrel is not full and there is a distance of a *tefach* between the wine and the cloth.

Said Rav Pappa: A person should not press twigs to the mouth of the spout (a small spout that is used to pour wine from the barrel) in order to hold back the debris; **as it looks like straining**. But this it is not actually straining, as the lees are not selected from the wine through this action, and this only helps to hold back the larger debris.

In the house of Rav Pappa, they would gently pour beer from vessel to vessel and the unwanted elements would remain in the first vessel. This did not involve the prohibition of selecting, since the beer that they would pour was not mixed with the unwanted elements but rather was standing upon it.

⁴ 1 tefach: 3.1in., 8cm.

PEREK 20 – 139B

Rav Acha of Difti said to Ravina: How could Rav Pappa permit them to do this? **There are**, after the trickle of beer has ceased, **little drops**. And those drops were certainly mixed with unwanted elements and were selected through this!

Ravina said to them: **Little drops to the house of Rav Pappa are not important**, as they had a large amount of beer. And when the stream had stopped, they would discard the remains and would not select the drops from the refuse.

And it was also taught in the Mishnah: **And one may put an egg into a mustard strain.**

Yaakov Korchah taught: For what reason is there no prohibition of separating the yoke from the white?