

NOTES

One who sleeps in a *sukka* on the Eighth Day of Assembly – הישן בשמיני בסוכה – Why doesn't the *tanna* state that one who eats in a *sukka* on the Eighth Day of Assembly receives lashes as well? One answer is that since a person recites the blessing; To dwell in the *sukka*, before eating throughout the festival of *Sukkot*, the fact that he does not do so on the Eighth Day of Assembly indicates his lack of intention to perform a full mitzva. However, as no blessing is recited when sleeping in the *sukka*, his intention is not evident when he sleeps there (*Shem MiShimon*). The nature of the lashes mentioned in this context is a matter of dispute. Some authorities maintain that these lashes are imposed by the Torah for the violation of the prohibition against adding to mitzvot, while other authorities claim that they are by rabbinic law due to the transgression of a rabbinic enactment (see Rambam and the commentaries on his work).

ואיבעית אימא: דכולי עלמא לציאת לא בעי כוונה. והכא, לעבור משום "בל תוסיף" קמיפליגי. דתנא קמא סבר: לעבור משום "בל תוסיף" – לא בעי כוונה, ורבן גמליאל סבר: לעבור משום "בל תוסיף" – בעי כוונה.

ואיבעית אימא: אי דסבירא לן דשבת זמן תפילין – דכולי עלמא לא לעבור בעי כוונה, ולא לציאת בעי כוונה.

והכא ב"לעבור שלא בזמנו" קמיפליגי. תנא קמא סבר: לא בעי כוונה, ורבן גמליאל סבר: "לעבור שלא בזמנו" בעי כוונה.

אי הכי, לרבי מאיר זוג אחד נמי לא.

ועוד: הישן בשמיני בסוכה ילקה. אלא מחזורתא כדשינינן מעיקרא.

ומאן שמעת ליה שבת זמן תפילין – רבי עקיבא. דתנא: "ושמרת את החקה הזאת למועדה מימים ימימה" – ימים ולא לילות. "מימים" – ולא כל ימים, פרט לשבתות וימים טובים. דברי רבי יוסי הגלילי.

רבי עקיבא אומר: לא נאמר חוקה זו אלא לענין פסח בלבד.

And if you wish, say instead that everyone agrees that to fulfill a mitzva one does not need intent, and here they disagree with regard to the condition needed to violate the prohibition: Do not add to mitzvot of the Torah. As the first *tanna* holds that one does not need intent to violate the prohibition: Do not add to mitzvot. One who dons another pair of phylacteries transgresses the prohibition against adding to mitzvot even if he does not don them with the intention of fulfilling the mitzva. And Rabban Gamliel holds that in order to violate the prohibition: Do not add to mitzvot, one needs intent to perform a mitzva. Since in this case one's intention is merely to move the phylacteries to a safer place, he may don a second pair.

And if you wish, say instead that the dispute may be explained as follows. If we were to maintain that Shabbat is a fit time for donning phylacteries, everyone would agree that one does not need intent to violate the prohibition against adding to mitzvot, nor does one need intent to fulfill a mitzva. In this case, one's intention has no bearing on his action.

However, here, they disagree with regard to the condition for violating the prohibition against adding to a mitzva not in its proper time, i.e., when a mitzva is performed not at its prescribed time. The first *tanna* holds that if the act of a mitzva is performed not in its proper time, one does not need intent; that is, even if one does not intend to perform the mitzva he nonetheless violates the prohibition against adding to mitzvot by his action alone. Consequently, in this case, a person may not don more than one pair of phylacteries. And Rabban Gamliel holds that to violate the prohibition against adding to a mitzva not in its proper time, one needs intent to fulfill the mitzva. Without such intent one does not violate the prohibition, and therefore in this case he may don a second pair of phylacteries.

With regard to this last explanation the Gemara asks: If so, according to the opinion of Rabbi Meir one should not even don one pair of phylacteries. According to Rabbi Meir's opinion, one who does so violates the prohibition against adding to mitzvot merely by donning one pair, since he is fulfilling the mitzva of phylacteries at a time when he is not commanded to do so.

And furthermore, according to this opinion, one who sleeps in a *sukka* on the Eighth Day of Assembly<sup>n</sup> should be flogged for violating the prohibition against adding to mitzvot, as he adds to the mitzva of: "You shall dwell in booths for seven days" (Leviticus 23:42). Yet the Sages instituted that outside of Eretz Yisrael, Jews must observe *Sukkot* for eight days, even though one who sleeps in a *sukka* on the eighth night outside of Eretz Yisrael transgresses a Torah law. Rather, it is clear as we originally answered, i.e., you must accept one of the other explanations.

Since the topic of phylacteries was discussed, the Gemara continues to explore this issue. Whom did you hear who said that Shabbat is a fit time for donning phylacteries? It is Rabbi Akiva, as it was taught in a *baraita* with regard to the end of the section in the Torah beginning with: "Sanctify all firstborns to me" (Exodus 13:2), which deals with the mitzvot of the Paschal lamb and phylacteries: "And you shall observe this ordinance in its season from year [miyamim] to year" (Exodus 13:10), which indicates that these mitzvot apply during the days [yamim] and not during the nights. Furthermore, the letter *mem* in "from year" [miyamim] teaches: But not on all days; this excludes Shabbat and Festivals, on which phylacteries are not worn. This is the statement of Rabbi Yosei HaGelili.

Rabbi Akiva says: This ordinance is stated only with regard to the Paschal lamb, and it does not refer to phylacteries at all. According to Rabbi Akiva, there is no reason to refrain from donning phylacteries on Shabbat and Festivals.

וְאֵלָא הָא דְתַנּוּן: הַפְסַח וְהַמִּלָּה מִצְוֹת עֲשֵׂה, לִימָא דְלָא כְרַבִּי עֲקִיבָא; דְּאִי רַבִּי עֲקִיבָא – כִּיּוֹן דְּמוֹקֵי לָהּ בְּפַסַּח, לָאוּ נִמְי אִיכָא. כְּדִרְבֵי אָבִין אָמַר רַבִּי אֵילְעָאִי; כְּדִאֲמַר רַבִּי אָבִין, אָמַר רַבִּי אֵילְעָאִי: כֹּל מְקוּם שְׁנַאֲמַר “הַשְּׁמֵר” “פֶּן” וְ“אֵל” אֵינּוּ אֵלָא בְּלֵא תַעֲשֶׂה.

אֲפִילוּ תִימָא רַבִּי עֲקִיבָא: “הַשְּׁמֵר” דְּלָאוּ – לָאוּ, “הַשְּׁמֵר” דְּעֲשֵׂה – עֲשֵׂה.

וְסָבַר רַבִּי עֲקִיבָא שְׁבֵת זְמַן תְּפִילִין הוּא? וְהִתְנַיָּא, רַבִּי עֲקִיבָא אָמַר: יָכוֹל יִנְיַח אָדָם תְּפִילִין בְּשַׁבְּתוֹת וְיָמִים טוֹבִים – תְּלַמּוּד לִזְמַר: “וְהָיָה לָךְ לְאוֹת עַל יָדְךָ” – מִי שְׁצָרִיכִין אוֹת, יֵצְאוּ אֵלָיו שְׁהֵן גּוֹפֵן אוֹת.

אֵלָא, הָאִי תִנָּא הוּא: דְּתַנּוּן, הַנִּיעוֹר בְּלֵילָה, רְצָה – חוֹלֵץ, רְצָה – מַנִּיחַ, דְּבִרֵי רַבִּי נָתַן. וְיִנְתֵּן הַקֵּיטוּנִי אָמַר: אֵין מַנִּיחִין תְּפִילִין בְּלֵילָה. מְדִלִילָה לְתַנָּא קָמָא זְמַן תְּפִילִין – שְׁבֵת נִמְי זְמַן תְּפִילִין.

דִּילְמָא סְבִירָא לִיה: לֵילָה זְמַן תְּפִילִין הוּא, שְׁבֵת – לָאוּ זְמַן תְּפִילִין הוּא. דְּהָא שְׁמַעִינָן לִיה לְרַבִּי עֲקִיבָא, דְּאָמַר: לֵילָה זְמַן תְּפִילִין הוּא, שְׁבֵת לָאוּ זְמַן תְּפִילִין הוּא.

The Gemara asks: **But with regard to that which we learned in a mishna that the Paschal lamb<sup>h</sup> and circumcision<sup>h</sup> are positive mitzvot, let us say that this statement is not in accordance with the opinion of Rabbi Akiva.** The reason for this claim is **that if you say this teaching is in accordance with the opinion of Rabbi Akiva, since he establishes this verse as referring to the Paschal lamb, this would mean that in failure to bring this offering there is also the violation of a negative mitzva, in accordance with the principle that Rabbi Avin said that Rabbi Elai said. As Rabbi Avin said that Rabbi Elai said: Any place where it is stated: Observe, lest, or do not,<sup>n</sup> this means nothing other than a negative mitzva, as these are negative terms.** Consequently, the verse “You shall observe this ordinance,” which refers to the Paschal lamb, constitutes a negative mitzva.

The Gemara rejects this: **Even if you say that Rabbi Akiva holds that no negative mitzva applies to the Paschal lamb, it is not difficult, as an additional principle must be taken into account.** Although it is true that the term **observe with regard to a negative mitzva** indicates the presence of another negative mitzva; that same term **observe with regard to a positive mitzva** has the force of a positive mitzva, as the Torah is warning adherents to take special care in the observance of a mitzva. The word **observe** in connection with the Paschal lamb is an example of this type of positive mitzva.

The Gemara returns to the issue at hand: **And does Rabbi Akiva really hold that Shabbat is a time for donning phylacteries? Wasn’t it taught in a baraita that Rabbi Akiva says: I might have thought that a person should don phylacteries on Shabbatot and Festivals.<sup>h</sup> Therefore, the verse states: “And it shall be for a sign for you on your arm, and for a remembrance between your eyes, so that God’s law shall be in your mouth; for with a strong arm God brought you out of Egypt” (Exodus 13:9).** The obligation to don phylacteries applies when Jews **require a sign** to assert their Judaism and their status as the Chosen People, i.e., during the week, **excluding Shabbat and Festivals, as they are themselves signs<sup>n</sup>** of Israel’s status as the Chosen People and a remembrance of the exodus from Egypt. Consequently, no further sign is required on these days. This teaching proves that Rabbi Akiva maintains that Shabbat is not a fit time for donning phylacteries.

Rather, it is this *tanna*, Rabbi Natan, who maintains that Shabbat is not a fit time for donning phylacteries, **as it was taught in a baraita: With regard to one who is awake at night, if he wishes he may remove his phylacteries, and if he wishes he may continue to don them, and he need not worry about violating the prohibition against adding to mitzvot.** This is the statement of Rabbi Natan. Yonatan HaKitioni<sup>1</sup> says: **One may not don phylacteries at night. From the fact that according to the first tanna, Rabbi Natan, night is a fit time for phylacteries, it may be inferred that Shabbat, too, is a time for donning phylacteries, as Rabbi Natan evidently does not accept Rabbi Yosei HaGelili’s limitation based on the phrase: From year to year.**

The Gemara rejects this contention: This is not a conclusive proof, as **perhaps he holds that although night is a fit time for phylacteries, Shabbat is not a fit time for phylacteries. As we have heard that Rabbi Akiva said that night is a time for phylacteries,<sup>h</sup> because he does not accept the limitation of “from days to days,” and yet he maintains that Shabbat is not a time for phylacteries, as no sign is required on Shabbat.** It is therefore possible that Rabbi Natan holds the same opinion.

**פָּסַח – The Paschal lamb as a positive mitzva** – מִצְוֹת עֲשֵׂה: The sacrifice of the Paschal lamb is a positive mitzva and one who intentionally neglects this obligation is liable to receive *karet*. However, if one unwittingly fails to fulfill this mitzva, he does not bring a sin-offering, as he has not violated a prohibition (Rambam *Sefer Korbanot, Hilkhot Korban Pesah* 1:1–2).

**מִלָּה מִצְוֹת – Circumcision as a positive mitzva** – עֲשֵׂה: Circumcision is a positive mitzva, and one who intentionally refrains from circumcising himself is liable to receive *karet*. However, one does not bring a sin-offering for unwitting failure to fulfill this mitzva as he did not violate a prohibition (Rambam *Sefer Ahava, Hilkhot Tefillin UMezuza VeSefer Torah* 4:1; *Shulhan Arukh, Yoreh De’a* 260:1).

**תְּפִילִין – Phylacteries on Shabbatot and Festivals** – בְּשַׁבְּתוֹת וְיָמִים טוֹבִים: Not only is there no obligation to don phylacteries on Shabbat and Festivals, it is prohibited to do so, as this is a sign of disrespect of the sacred day. The early commentaries dispute whether one dons phylacteries on the intermediate days of a Festival. Some commentaries argue that the prohibition of donning phylacteries on Shabbat and Festivals is a function of the prohibition against performing work, while other authorities connect this issue to the sanctity of the day. Since the kabbalistic tradition is not to don phylacteries on the intermediate days of a Festival, all Sephardic and Hassidic communities follow suit. This is also the prevailing custom in Eretz Yisrael (*Shulhan Arukh, Orah Hayyim* 31:1–2).

**תְּפִילִין בְּלֵילָה – Phylacteries at night** – תְּפִילִין בְּלֵילָה: One does not don phylacteries at night, as he might fall asleep while donning them and treat them disrespectfully. This prohibition is only by rabbinic law, as the *halakha* is in accordance with Rabbi Akiva, who maintains that night is a fit time for phylacteries. The Rambam holds that the prohibition against donning phylacteries at night is by Torah law, as indicated by the discussion here. Nevertheless, all authorities agree that if one donned phylacteries during the day, he need not remove them after nightfall; however, a public ruling is not issued to that effect (*Shulhan Arukh, Orah Hayyim* 30:2).

LANGUAGE

**יוֹנָתָן הַקֵּיטוּנִי – Yonatan HaKitioni** – According to this reading of the name, this individual was probably given his name due to his profession as a maker of beds or some other item related to the bedroom [*kition*]. According to an alternative reading, *HaKatroni*, the name refers to the town of Katron in the territory of Zebulun.

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<sup>1</sup> “הַשְּׁמֵר” “פֶּן” וְ“אֵל” – Observe, lest, or do not – *lo*, you shall not, clearly indicates a prohibition. The Sages added that the word *al*, do not, also refers to a negative commandment. *Tosafot* explain that there is a dispute among the Sages with regard to the word *hishamer*, observe, in all of its forms. Some authorities maintain that the term observe always means that one should refrain from a particular action. According to this opinion, all forms of observance connote that whoever does not perform a particular mitzva has violated a prohibition. The discussion in the Gemara reveals that some Sages distinguish between the term

observe in the context of a positive mitzva and its association with a prohibition.

**שְׁהֵן גּוֹפֵן אוֹת – As they are themselves signs** – There are different opinions with regard to the nature of Shabbat and Festivals as signs. Some commentaries maintain that the mitzva to sanctify these days serves as a sign of Israel’s uniqueness. Others teach that the main feature of their nature as signs is the avoidance of labor on these days. Yet other commentaries explain that the signs are the special mitzvot of these days, e.g., the *sukka* on *Sukkot* and the prohibition against eating leaven on Passover.

Women and phylacteries – נָשִׁים וְתַפְלִיין – A woman is not permitted to don phylacteries even if she wishes to be stringent upon herself. One reason is that women are not careful regarding the purity of their bodies (*Magen Avraham*). This ruling is based on the statement in the Jerusalem Talmud and the *Pesikta* that the Sages objected to the conduct of Michal, daughter of Saul (*Shulḥan Arukh, Orah Hayyim 38:3*, and in the comment of the Rema).

אֵלֶּא הָאֵי תַנָּא הוּא, דְּתַנָּא: מִיכַל בַּת בּוּשִׁי הֵיִתָּה מִנְחַת תַּפְלִיין וְלֹא מִיחוּ בָּהּ חֲכָמִים. וְאַשְׁתּוֹ שֶׁל יוֹנָה הֵיִתָּה עוֹלָה לְרַגְלֵי וְלֹא מִיחוּ בָּהּ חֲכָמִים. מִדְּלֹא מִיחוּ בָּהּ חֲכָמִים – אֵלֶּא קִסְבְּרֵי מִצְוֹת עֲשֵׂה שְׁלֹא הִזְמִן גְּרַמָּא הִיא.

Rather, we must say that it is this *tanna* who maintains that Shabbat is a time for phylacteries, as it was taught in a *baraita*: Michal, daughter of Kushi,<sup>N</sup> King Saul, would don phylacteries, and the Sages did not protest against her behavior, as she was permitted to do so.<sup>11</sup> And similarly, Jonah's wife<sup>N</sup> would undertake the Festival pilgrimage and the Sages did not protest against her practice. From the fact that the Sages did not protest against Michal's donning phylacteries, it is apparent that these Sages hold that phylacteries is a positive mitzva not bound by time,<sup>N</sup> i.e., it is a mitzva whose performance is mandated at all times, including nights and Shabbat. There is an accepted principle that women are obligated in all positive mitzvot not bound by time.

וְדִילְמָא סָבַר לָהּ

The Gemara rejects this contention: But perhaps that *tanna* holds

NOTES

Michal, daughter of Kushi – מִיכַל בַּת בּוּשִׁי: Parallel sources read: Michal, daughter of Saul. Kushi is another name for Saul, based on the Gemara's interpretation of the verse: "Concerning Kushi a Benjamite" (Psalms 7:1). The incident discussed here is not mentioned in the Bible; rather, it is a rabbinic tradition.

to endanger herself for something from which she was exempt (Rabbi Zvi Hirsch Chajes).

Michal and Jonah's wife – מִיכַל וְאַשְׁתּוֹ יוֹנָה: In the Jerusalem Talmud and the *Pesikta* it is related that Jonah's wife was sent home, and that the Sages did object to the actions of Michal, daughter of Saul. Some commentaries explain that Jonah's wife was sent home because the kings of Israel established guards to prevent people from undertaking the pilgrimage to Jerusalem because it was in Judea. Since Jonah was from Gat HaHefer in the north, the Sages ruled that Jonah's wife was not required

מִצְוֹת עֲשֵׂה שְׁלֹא הִזְמִן – מִצְוֹת עֲשֵׂה שְׁלֹא הִזְמִן: The commentaries point out that if donning phylacteries is not a time-bound mitzva, women should be obligated to don them just as men are. However, even according to the opinion that donning phylacteries is not a time-bound mitzva, the Sages decreed that women should not observe it, due to the concern that they will be unable to take proper care of the phylacteries or maintain their sanctity. The Sages have the power to abrogate the practice of mitzvot by instructing individuals to refrain from performing them (Ritva).

Perek X  
Daf 96 Amud b

NOTES

It is optional for women to place their hands – נָשִׁים סוּמְכוֹת – רְשׁוּת: This statement can be understood in several ways. The commentaries and authorities debate whether women transgress the prohibition against adding to the mitzvot by observing a mitzva that they are not obligated to perform, or whether there is no prohibition whatsoever in those cases. If the woman's intent is not to fulfill the mitzva but simply to perform it, there are no grounds for concern (Ritva). However, in this context, the discussion concerns mitzvot that the Sages permitted women to perform even when there is a certain measure of prohibition involved. For example, it could be argued in the case of placing one's hands on a sacrifice that it should be prohibited for women to do so, as they would be guilty of misusing the sacrifice. Consequently, the issue is similar to that of women donning phylacteries on Shabbat (see *Tosafot, Hullin 85a*).

Fulfillment of mitzvot in which women are not obligated – קִיּוּם מִצְוֹת שֶׁבְּהֵן נָשִׁים פְּטוּרוֹת: It could be argued that since women may don phylacteries on weekdays if they choose, they may don them on Shabbat as well, as in rescuing phylacteries the Sages permitted wearing on Shabbat anything that one wears on a weekday (Ritva).

רַבִּי יוֹסֵי, דְּאָמַר: נָשִׁים סוּמְכוֹת רְשׁוּת.

in accordance with the opinion of Rabbi Yosei, who said: It is optional for women to place their hands<sup>N</sup> on the head of a sacrificial animal before it is slaughtered. Although only men have this obligation, women may perform that rite if they wish. Similarly, women may perform other mitzvot that they have no obligation to fulfill.<sup>N</sup>

דְּאֵי לֹא תִימָא הָכִי – אֲשְׁתּוֹ שֶׁל יוֹנָה הֵיִתָּה עוֹלָה לְרַגְלֵי וְלֹא מִיחוּ בָּהּ. מִי אִיכָּא לְמָאן דְּאָמַר רַגְלֵי לֹא מִצְוֹת עֲשֵׂה שֶׁהִזְמִן גְּרַמָּא הוּא? אֵלֶּא: קִסְבְּרֵי רְשׁוּת, הֵכָּא נְמִי: רְשׁוּת.

As, if you do not say so, that this *tanna* holds in accordance with the opinion of Rabbi Yosei, the *baraita* states that Jonah's wife would ascend to Jerusalem for the Festival pilgrimage and the Sages did not reprimand her. Is there anyone who says that the mitzva of Festival pilgrimage is not a time-bound positive mitzva and that women are obligated to fulfill it? Rather, he holds that she did not embark on the pilgrimage as an obligation, but that it was optional; here, too, with regard to phylacteries, it is optional. Consequently, no proof can be cited from this *baraita* as to whether or not Shabbat is a fit time for phylacteries.

אֵלֶּא הָאֵי תַנָּא הִיא, דְּתַנָּא: הַמוּצֵא תַּפְלִיין – מִכְּנִסָּן זוּג זוּג, אֶחָד הָאִישׁ וְאֶחָד הָאִשָּׁה, אֶחָד תְּדִשׁוּת וְאֶחָד יִשְׁנוֹת, דְּבָרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹסֵר בְּחִדְשׁוֹת וּמִתִּיר בִּישְׁנוֹת.

Rather, who is the *tanna* who maintains that Shabbat is a time for phylacteries? It is this *tanna* who taught the *halakha*, as it was taught in the *Tosefta*: One who finds phylacteries brings them in pair by pair, whether the finder is a man or whether she is a woman, and whether the phylacteries are new or whether they are old. This is the statement of Rabbi Meir. Rabbi Yehuda prohibits bringing in new phylacteries since they might merely be amulets in the form of phylacteries, but he permits bringing in old ones, which are certainly valid phylacteries.

עַד כָּאֵן לֹא פְּלִיגֵי אֵלֶּא בְּחִדְשׁוֹת וּישְׁנוֹת, אֲבָל בְּאִשָּׁה – לֹא פְּלִיגֵי. שְׂמַע מִינָּה: מִצְוֹת עֲשֵׂה שְׁלֹא הִזְמִן גְּרַמָּא הוּא, וְכָל מִצְוֹת עֲשֵׂה שְׂאִין הִזְמִן גְּרַמָּא נָשִׁים חַיִּיבוֹת.

Analysis of this *Tosefta* indicates that Rabbi Meir and Rabbi Yehuda disagree only with regard to the issue of new phylacteries and old ones; however, with regard to a woman bringing in the phylacteries, they do not disagree that it is permitted. Learn from it that this *tanna* maintains that donning phylacteries is a positive mitzva not bound by time, and since women are obligated in every positive mitzva not bound by time, a woman may don these phylacteries and walk into the town.

וְדִלְמָא סָבַר לָהּ כְּרַבֵּי יוֹסֵי דְאָמַר: נְשִׁים  
סוֹמְכוֹת רְשׁוּת? לָא סְלֵקָא דְעֵתְךָ, דְלֵא  
רַבֵּי מֵאִיר סָבַר לָהּ כְּרַבֵּי יוֹסֵי, וְלֵא רַבֵּי  
יְהוּדָה סָבַר לָהּ כְּרַבֵּי יוֹסֵי.

לֵא רַבֵּי מֵאִיר סָבַר לָהּ כְּרַבֵּי יוֹסֵי דְתַנּוּ:  
אֵין מְעַבְבִּין אֶת הַתֵּינוּקוֹת מִלְתַּקְוָע.  
הָא נְשִׁים – מְעַבְבִּין. וְסַתָּם מִתְנִיתִין רַבֵּי  
מֵאִיר.

וְלֵא רַבֵּי יְהוּדָה סָבַר לָהּ כְּרַבֵּי יוֹסֵי  
דְתַנּוּ: "דְבַר אֵל בְּנֵי יִשְׂרָאֵל וְסַמְךָ"  
בְּנֵי יִשְׂרָאֵל סוֹמְכִין וְאֵין בְּנוֹת יִשְׂרָאֵל  
סוֹמְכוֹת. רַבֵּי יוֹסֵי וְרַבֵּי שְׁמַעוֹן אוֹמְרִים:  
נְשִׁים סוֹמְכוֹת רְשׁוּת.

וְסַתָּם סִפְרָא מְנֵי – רַבֵּי יְהוּדָה.

אָמַר רַבֵּי אֶלְעָזָר: הַמוּצָא תְּבֵלֵת בְּשׁוּק,  
לְשׁוֹנוֹת – פְּסוּלוֹת, חוּטִין – בְּשֵׁרִין.

מֵאִי שְׁנֵא לְשׁוֹנוֹת – דְאָמַר: אֲדַעְתָּא  
דְּגִלְמָא צְבִיעִינָהּ. חוּטִין נְמֵי, נִמְיָא:  
אֲדַעְתָּא דְּגִלְמָא טְוִינָהּ. בְּשׁוּזִירִים.

שְׁזוּרִים נְמֵי, נִמְיָא: אֲדַעְתָּא דְּשִׁפְתָּא  
דְּגִלְמָא עֵיפִינָהּ. בְּמוֹפְסָקִין, דְּכוּלֵי הָאֵי  
וְדֵאֵי לֹא טְרַחֵי אֵינְשֵׁי.

אָמַר רַבָּא: וְכִי אָדָם טוֹרֵת לְעִשׂוֹת  
קְמִיעַ כְּמִין תְּפִלִּין? דְתַנּוּ: בְּמָה דְבָרִים  
אֲמוּרִים – בִּישְׁנוֹת, אֲבָל בְּחֻדְשׁוֹת –  
פְּטוּר.

The Gemara attempts to refute this. **But perhaps that *tanna* holds in accordance with the opinion of Rabbi Yosei, who said: It is optional for women to place their hands on the head of a sacrificial animal before it is slaughtered.** Here too, perhaps it is optional for women to don phylacteries. The Gemara answers: **This cannot enter your mind, as neither Rabbi Meir holds in accordance with the opinion of Rabbi Yosei, nor does Rabbi Yehuda hold in accordance with the opinion of Rabbi Yosei,** as the Gemara proceeds to prove.

Neither Rabbi Meir holds in accordance with the opinion of Rabbi Yosei, as we learned in a mishna: **One need not prevent children from sounding<sup>h</sup> the *shofar* on Rosh HaShana.** Although there is an element of prohibition in sounding the *shofar* when there is no obligation to do so, since the children will one day be obligated to sound the *shofar*, one need not prevent them from doing so and learning. It may be inferred from here that **one must prevent women from sounding the *shofar*.** **And an unattributed mishna** is in accordance with the opinion of **Rabbi Meir**, indicating that according to Rabbi Meir, a woman does not even have the option of performing a time-bound positive mitzva.

Nor does Rabbi Yehuda hold in accordance with the opinion of Rabbi Yosei, as it was taught in the *Sifra*, the halakhic *midrash* on Leviticus. The verse states: “**Speak to the sons of Israel... and he shall place his hands on the head of the burnt-offering**” (Leviticus 1:2–4). By inference, **the sons of Israel place their hands, but the daughters of Israel do not place their hands.**<sup>h</sup> **Rabbi Yosei and Rabbi Shimon say:** It is optional for women to place their hands on the head of a sacrificial animal before it is slaughtered.

And who is the author of an unattributed *Sifra*? It is Rabbi Yehuda.<sup>n</sup> This teaching proves that Rabbi Yehuda maintains that women do not have the option of placing their hands on a sacrifice. Neither Rabbi Meir nor Rabbi Yehuda accepts Rabbi Yosei’s opinion that it is optional for women to perform time-bound positive mitzvot; therefore, the *tanna* who cited their opinions that a woman may bring in phylacteries on Shabbat maintains that the mitzva of phylacteries is not time-bound and is in effect even on Shabbat, which is why even women are obligated.

Rabbi Elazar said: With regard to **one who one finds fabric dyed sky blue<sup>h</sup> in the marketplace,**<sup>n</sup> if he found strips of combed and dyed wool they are unfit for use as ritual fringes. The sky blue threads used in ritual fringes must be spun and dyed for the purpose of the mitzva, and these strips might have been dyed for a different purpose. However, if one found sky blue threads, they are fit for use in ritual fringes, as it can be assumed they were prepared for that purpose.

The Gemara asks: **What is different about strips that renders them unfit?** It is because Rabbi Elazar said: **One dyed the strips with the intent to use them for a cloak.** If so, with regard to threads as well, let us say: **One spun them with the intent to use them for a cloak.** In that case, they too would be deemed unfit. The Gemara answers: Here, it is referring to threads that are twisted, which are not typically used for weaving.

The Gemara asks: With regard to twisted threads as well, let us say that **one twisted them with the intent of attaching them to the hem of a cloak as ornamentation.** The Gemara answers: It is referring to twisted threads that were cut into short strings suitable for use as ritual fringes, as people certainly do not exert themselves and fashion fringes of a cloak to resemble ritual fringes.

Rava said: The assertion that people do not exert themselves is problematic, as by the same token, **does a person exert himself to fashion an amulet in the form of phylacteries?** Nevertheless, the Sages were concerned that an object that appears to be phylacteries might actually be a different object. **As we learned in a mishna: In what case is this statement that one is permitted to carry phylacteries inside on Shabbat said? It is with regard to old phylacteries.** However, with regard to new ones, he is exempt from the obligation to bring them in, as it is possible that they are not phylacteries but amulets in the form of phylacteries. Similarly, there should be concern lest people fashion items similar to objects used for a mitzva, even if exertion is involved.

One need not prevent children from sounding – אֵין מְעַבְבִּין אֶת הַתֵּינוּקוֹת מִלְתַּקְוָע – One is not obligated to prevent children who have not reached the age of education from sounding a *shofar* on Shabbat. However, if they have reached the age of five or six years old, one must stop them from doing so. An adult is permitted to teach a child to sound the *shofar* on Rosh HaShana, even if it coincides with Shabbat, whether or not the child has reached the age of education (Rambam). According to the Ra’avad, if the child has reached the age of education one can assist him even on Shabbat; however, if he has not reached that age, one may not teach him on Shabbat, and one need not prevent him from sounding the *shofar* on the Festival (Rambam *Sefer Zemanim, Hilkhot Shofar VeSukka VeLulav* 2:7). The author of the *Tur* writes that if a child has not reached the age of education, he is encouraged to sound the *shofar*. If he has reached it, he is not told to sound the *shofar*, but if he attempts to do so, one need not stop him (*Tur, Oraḥ Hayyim* 588).

The daughters of Israel do not place their hands – אֵין בְּנוֹת יִשְׂרָאֵל סוֹמְכוֹת – Women do not place their hands on a sacrifice, as stated by the mishna in tractate *Menahot* (Rambam *Sefer Avoda, Hilkhot Ma’aseh HaKorbanot* 3:8).

One who finds fabric dyed sky blue – הַמוּצָא תְּבֵלֵת בְּשׁוּק: If a person finds strips of fabric dyed sky blue, or even cut threads, they are invalid for use as ritual fringes. However, if he finds twisted threads, they are valid, in accordance with the opinion of Rabbi Eliezer (Rambam *Sefer Ahava, Hilkhot Tzitzit* 2:7).

NOTES

The author of an unattributed *Sifra*... is Rabbi Yehuda – סַתָּם סִפְרָא... רַבֵּי יְהוּדָה: There is a difference between the assertion that an unattributed *Sifra* reflects Rabbi Yehuda’s opinion, and similar statements that a certain Sage edited a rabbinic text. A Sage who edited a book is not required to agree with everything the volume contains. According to Rambam, the *Sifra*, also known as *Torat Kohanim*, was edited by Rav and not by Rabbi Yehuda. However, the statement that an unattributed *Sifra* reflects Rabbi Yehuda’s opinion indicates that although he did not edit the *Sifra*, the unattributed teaching is in accordance with his opinion (see *Bah* and *Rashash*).

One who finds fabric dyed sky blue in the marketplace – הַמוּצָא תְּבֵלֵת בְּשׁוּק: In tractate *Menahot*, the Sages explain that not every blue-dyed wool is considered dyed sky blue, and there are many signs for determining the nature of the dye used to color the wool. Even if the wool threads were certainly dyed with sky blue dye, it is still possible that they were dyed improperly as several factors can invalidate the wool used for the mitzva of ritual fringes. For example, the wool would be invalidated if the dye upon it was used only as a test (see *Tosafot* and *Me’iri*).

אמר רבי זירא לאהבה בריה, פוק תני להו: המוציא תכלת בשוק, לשונות – פסולין, חוטין מופסקין – כשירין, לפי שאין אדם טורח.

Rabbi Zeira said to his son Ahava: Go out and teach this *baraita* to the Sages. With regard to one who finds fabric dyed sky blue in the marketplace, if he finds strips, they are unfit for use in ritual fringes; however, if he finds threads cut into short strings, they are fit for use in ritual fringes because a person does not exert himself. Apparently, that is the reason for the *halakha*.

אמר רבא: ומשום דתני לה אהבה בריה דרבי זירא כיפי תלא לה? והתנן: במה דברים אמורים – בישנות, אבל בחדשות – פטור.

Rava said: And because Ahava, son of Rabbi Zeira, taught this *halakha*, has he hung ornamental rings on that line of reasoning, i.e., does that constitute an absolute proof? The difficulty posed by Rava from the mishna is not resolved by the *baraita*, as we learned: In what case is this statement that one is permitted to carry phylacteries inside said? It is with regard to old phylacteries. However, with regard to new ones, he is exempt. Apparently, there is concern lest one exert himself to fashion an object similar to one used in a mitzva.

אלא אמר רבא: טרח ולא טרח – תנאי היא.

Rather, Rava said: The sources are not contradictory, as the question of whether one exerts himself or does not exert himself is the subject of a dispute between *tanna'im*. Some hold that one exerts himself as indicated by the mishna with regard to phylacteries, whereas others hold that one does not exert himself as stated with regard to sky blue dye.

דתנאי: המוציא תפילין – מכניסן זוג זוג, אחד האיש ואחד האשה.

As it was taught in the *Tosefta*: One who finds phylacteries in a field brings them in to the town pair by pair, whether the finder is a man or a woman,

Perek X  
Daf 97 Amud a

NOTES

**New and old phylacteries – תפילין חדשות וישנות:** In the Jerusalem Talmud it is stated that the concern with regard to new phylacteries is unrelated to their status as phylacteries. Rather, the issue is whether or not they have been examined. Since it is possible that they are not valid phylacteries, they may not be carried on Shabbat.

**Straps that are tied – רצועות ומקושרות:** The Rif explains that in the final analysis Rabbi Yehuda prohibits carrying new phylacteries not due to the prohibition against making a knot, but due to the concern that they might be amulets. If it only has straps, the phylacteries might be amulets; on the other hand, if the straps have actually been tied, it can be assumed that they are not amulets, as no one would go to the trouble of tying knots for amulets. The Rambam's ruling indicates that he explains this in a similar manner (Ramban).

HALAKHA

**New and old phylacteries – תפילין חדשות וישנות:** New phylacteries may not be carried on Shabbat, even if they have straps, unless the straps have been knotted (Shulhan Arukh, *Orah Hayyim* 301:42).

אחד חדשות ואחד ישנות, דברי רבי מאיר. רבי יהודה אוסר בחדשות ומתיר בישנות. אלמא, מר סבר: טרח איניש, ומר סבר לא טרח איניש.

and whether the phylacteries are new or old; this is the statement of Rabbi Meir. Rabbi Yehuda prohibits carrying new phylacteries but permits carrying old ones.<sup>NH</sup> Apparently, one Sage, Rabbi Yehuda, holds that a person exerts himself to fashion an amulet that looks like phylacteries, and one Sage, Rabbi Meir, holds that a person does not exert himself for this purpose, and therefore something that has the appearance of phylacteries must be phylacteries.

(שיצ"י עזב"י סימן). והשתא דתני אבוי דשמואל בר רב יצחק: אלו הן ישנות – כל שיש בהן רצועות ומקושרות, חדשות – יש בהן רצועות ולא מקושרות. דכולי עלמא לא טרח איניש.

*Shin, yod, tzadi, yod, ayin, tzadi, beit, yod* is a mnemonic for the statements that follow. The Gemara adds: And now that the father of Shmuel bar Rav Yitzhak has taught that these are deemed old phylacteries: Any that have straps that are permanently tied<sup>N</sup> in the manner of phylacteries, and new phylacteries are those that have straps that are not tied, the conclusion is that everyone agrees that a person exerts himself to fashion an amulet similar to phylacteries or string-like ritual fringes. They disagree with regard to new phylacteries that are not tied properly and cannot be donned in a manner typical of a weekday. The reason is that tying a permanent knot on Shabbat is prohibited by Torah law. Therefore, these phylacteries may not be donned, and Rabbi Zeira's opinion is accepted.

וליענבינהו מי ענב. אמר רב חסדא, זאת אומרת: ענבה פסולה בתפילין.

The Gemara asks a question with regard to Rabbi Yehuda's opinion that new phylacteries may not be brought into town because they lack a permanent knot: Why must one tie the phylacteries with a knot? Let him simply tie a bow, which is not prohibited on Shabbat, and place the phylacteries on his head and arm in that manner. Rav Hisda said: That is to say that a bow is invalid for phylacteries, as a proper knot is required.

אביי אמר: רבי יהודה לטעמיה, דאמר: ענבה קשירה מעלייתא היא.

Abaye said: This is not the correct interpretation. Rather, Rabbi Yehuda conforms to his standard line of reasoning, as he said: A bow is a full-fledged knot, and it is prohibited to tie it on Shabbat by Torah law.