



## מראה מקומות לחגיגה דף ג

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*This week's Daf is dedicated I'ulei nishmas*

**יחזקאל שרגא בן שלום ז"ל**

1. The גמרא says that men come to the הקהל to learn, women come to לשמע, and children come to give שכר to the parents. See the שולחן ערוך in סעיף ו' who quotes the רמב"ם who says that רח"ל said that a person who teaches their daughter Torah is as if he taught her תיפלות. He clarifies that this applies only to תורה שבעל פה. By תורה שבכתב one should not לכתחילה teach it to their daughter but בדיעבד it's not like תיפלות. See the ט"ז in ס"ק ד' who asks that by הקהל, the king reads the תורה שבכתב from משנה and it's obviously considered לכתחילה. He answers that this is the difference between לשמוע and ללמוד. The word לשמוע means to understand what is being said, meaning the simple understanding of the words. That is allowed even לכתחילה. However, the men are supposed to learn the מפרשים and דרשות, and the like. That is called ללמוד which is מצוה for men and only בדיעבד for women (but not תיפלות). Learning גמרא would be תיפלות.

2. The גמרא discusses the different סימני שוטה. The ramifications of what exactly a "crazy" person is halachically are far reaching. Besides being פטור from all מצוות, a שוטה cannot make קנינים, be a שליח, be גט, מפריש תרומה, and cannot give a valid גט. This issue was most famously discussed regarding the famous "Kleve Get" in 1766 where a man got married and then ran away because he believed (without any basis) that people were trying to kill him and then gave a גט to his wife. Is he considered a שוטה? The first point to analyze is if the three סימנים mentioned in our גמרא are a sample of possibilities or are סימני שוטה limited to one of those specific three behaviors? See the אבן העזר סוף סימן קכ"א in בית יוסף who quotes רבינו אביגדור who says that any person who doesn't do any of the three סימנים listed in חגיגה are considered a full פקח even if they seem crazy in other ways. However, see the רמב"ם in הלכות עדות פרק ט' who does not list any of the three סימנים and just says that someone who is constantly showing signs of being crazy, even if he otherwise seems basically normal, is פסול לעדות since he is not חייב במצוות. The simple reading of the רמב"ם is that any signs of insanity are enough to make a person a שוטה. In fact, see the ק"ח on תהילה ליונה who brings a גר"ח that says that each of the three סימנים are broader categories: someone who walks alone at night or sleeps in a cemetery is in מרה שחורה; someone who tears their clothes has out of control anger, and someone who loses what is given to him (brought in ירושלמי) is someone who's brain has not matured.

There is a critical תשובה in the אגרות משה in סימן ק"כ א, אבן העזר, who discusses our entire אגרות. He is discussing a גט for a megalomaniac. He brings from ד"ה דרך in תוספות who says that someone who does one of the סימנים in a שטות דרך is שוטה. This means that he is not for sure a שוטה. Consequently, if you know someone to be normal besides one area, then they count as a פקח. Regarding the רמב"ם

(mentioned above) that sounds like any weirdness would be enough to make someone a שוטה, Rav Moshe has a beautiful פשט. He asks, as the כסף משנה does, why is this רמב"ם only found in הלכות עדות and not in הלכות תרומות or הלכות גיטין וקידושין? Furthermore, why does the רמב"ם say a שוטה is פסול לעדות because he is פטור מן המצוות? Isn't it because he has no דעת? He answers that the רמב"ם understands that someone who shows any signs of being crazy is going to be פטור from any מצוה related to that ענין, and if you are פטור from one מצוה you are פטור from all as the Torah isn't given partially. However, even people who are פטור from מצוות are considered כשר for making שליחות, קנינים, and all other aspects. In other words, the סימנים in our גמרא don't show a lack of basic דעת. Rather, they just make you פטור ממצוות and פסול לעדות but your קנינים and גיטין are still good.

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