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Cheresh

The *Mishnah* in *Megillah* (2:4) states:

All are fit to read the *megillah* [and thereby allow others to fulfil their obligation by listening to their reading] except for a *cheresh*, *shoteh* (fool) and a *minor*.

There are generally two ways to understand the definition of a *cheresh*:

1. A person that cannot hear or speak; or
2. A person that can speak however cannot hear.

According to the first definition, a person that cannot hear or speak is not a *bar da'at* (literally-man of understanding), and therefore is classified in the *Mishnah* along with, a fool and a minor - other categories of people without halachic *da'at*. However, according to the second understanding, a *cheresh* has full halachic *da'at*; the reason he is unable to read the *megillah* is because he is not fit to carry out *mitzvot* that are dependent upon hearing. In this case, the reason they are mentioned together with a fool and a minor is because he is similar to them in that they all cannot allow others to fulfil their obligations with their *kri'ah*. *Tosafos* (*Megillah* 19b) states that it is obvious that the *Mishnah* is referring to the second type of *cheresh* (due to the fact that he is physically able to read aloud from the *megillah*). However, the limiting factor in this case is his inability to hear.

The *Gemara* in *Masechet Megillah* (19b) states that the ruling of the *Mishnah* is subject to a *Tanaic* argument. There is a *machloket* regarding a person who read *kriyat shema* and did not hear what he read. One *Tana* holds that he has fulfilled his obligation, and one rules that he has not fulfilled his obligation.

The *Tana* that holds that he has not fulfilled his obligation of *kriyat shema* would also hold that since the *cheresh* cannot hear his own *kriyat megillah* he has not fulfilled his own obligation and therefore cannot fulfil the obligation of others even *b'dieved*. On the other hand, the *Tana* that holds that a person has fulfilled his obligation of *kriyat shema* even if he has not heard his own voice, will rule that this

Mishnah is ruling that a *cheresh* cannot read the *megillah lechatchila*. However, if he went ahead and read for others, *b'dieved*, he has fulfilled his own obligation as well as the obligations of those who heard him read.

The *Rambam* (*Hilchot Megillah* 1:2) states that if a *cheresh* was reading the *Megillah*, those who heard him read have not fulfilled their obligation. The *Rambam* sees no difficulty with the fact that someone who read *kriyat shema*, yet didn't hear the words is *yotze*. The *Kesef Mishnah* writes that *kriyat megillah* is different as there needs to be an aspect of *pirsumei nissah* (publicising the miracle) and therefore, there is an extra level of stringency added by the *Rambam*.

The *Bach* (*Orech Chayim* 689) adds that the cases of reading the *Shema* and *kriyat megillah* are very different. The person reading the *Shema*, although he did not hear his words, has the *ability* to hear his words, he has therefore fulfilled his obligation. A *cheresh* on the other hand, does not have the ability to hear his words, and therefore he can not fulfil his obligation with his reading of the *Megillah*.

The *Rashbatz* (*Brachot* 15b) cites a novel ruling. Since a *cheresh* is unable to hear what he is saying, unto himself he can fulfil his obligation only *bedieved*. However since he is able to be *motze* himself, we view this fact irrespective of whether he did this *b'dieved* or *lechatchila*, and therefore he is able to fulfil the obligations of those listening to him even *lechatchila*.

The practical difference between the *Rambam* and the *Rashbatz* would be their willingness to appoint a *cheresh* as a *ba'al koreh*. The *Rambam* would be very reluctant to do so as according to him a *cheresh* can only discharge the congregation's obligation in a *b'dieved* manner. However, the *Rashbatz* would argue that appointing a *cheresh* makes no difference to the *kehillah*, and they would still be *yotze lechatchila* with his *kriyah* (even though the *cheresh* himself will only be *yotze b'dieved*).

Yehuda Gottlieb

Revision Questions

מגילה א' י"א-ד' א':

- What is the difference between *Shilo* (when the *Mishkan* was there) and *Yerushalaim* (at the time of the *Beit Ha'Mikdash*)? (א: י"א)
- Has one fulfilled their obligation of reading *Megillah* if: (א: א')
 - It was read out of order?
 - They recited it by-heart?
 - They read it in a foreign language? (Be specific)
 - It was read in Hebrew and one does not understand Hebrew? (א: א')
 - It was read with intermittent breaks?
 - One was reading it while checking the text for mistakes? (ב: ב')
- On what material and using what substance must a *megillah* be written? (ב: ב')
- If a resident of a non-walled city travelled to a walled-city, when does he read the *megillah*? (Be specific) (ג: א')
- What are the three opinions regarding how much of the *megillah* one must hear to fulfil his obligation? (ג: א')
- Which three groups of people are unable to read the *megillah* for someone else? (ב: ד')
- Which five things may not be performed until *netz hachama*? (ד: א')
- (Difficult) What are the twenty things that must be performed during the day and can be performed all day? (ב: ה')
- What two things that are performed at night can be performed the entire night? (ב: ו')
- What must the community do with the funds raised from the sale of: (א: א')
 - *Rechova*?
 - *Shul*?
 - *Aron Ha'Kodesh*?
 - *Chumashim*?
 - *Sefer Torah*?
- On what conditions can one sell a *Shul*? (List the three opinions) (ב: ג')
- What five things does *R' Yehuda* prohibit from engaging in, in a *shul* ruin? (ג: א')
- Should one remove the vines that are growing over a *shul* ruin? (ג: א')
- In what order are the "four *parshiyot*" read? (ד: א')
- When is the first of the "four *parshiyot*" read? (ד: א')
- What portion for the *Torah* is read for: (ה: א')
 - *Pesach*?
 - *Shavuot*?
 - *Rosh Hashanah*?
 - *Yom Kippur*?
 - *Chol Ha'moed Sukkot*? (ה: א')
 - *Chanukah*?
 - *Purim*? (ו: א')
- What is the source for allocating a special *Torah* reading during a festival? (ו: א')
- Is one allowed to read the *megillah* seated? (ד: א')
- Can one fulfil his obligation of hearing the *megillah* if it is read by two people at the same time? (א: ד')
- Is one allowed to add additional *aliyot* for *Shabbat Mincha*? (ד: א')

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**4
WEEKS TO GO
TILL**

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
9 th July י"ג תמוז	10 th July י"ד תמוז	11 th July ט"ו תמוז	12 th July ט"ז תמוז	13 th June י"ז תמוז	14 th June י"ח תמוז	15 th July י"ט תמוז
Megillah 4:2-3	Megillah 4:4-5	Megillah 4:6-7	Megillah 4:8-9	Megillah 4:10- Moed Katan 1:1	Moed Katan 1:2-3	Moed Katan 1:4-5

