



## Half eved and Aliyah La'Regel

*Masechet Chagigah* discusses the *mitzvah* of *Re'iya* observed on the three *regalim* – *Pesach*, *Shavuot* and *Sukkot* – and opens by listing those who are exempt from this *mitzvah*. Exactly what the *Mishnah* is referring to by “*Re'iya*”, whether it is simply means appearing in the courtyard of the *Beit HaMikdash* or offering the *korban olah*, is the subject of debate (see Volume 2, Issue 48).

The *Mishnah* opens with “everyone is obligated in [the *mitzvah* of] *Re'iya*” prior to listing those who are exempt. The *Bartenura* explains that the first statement comes to include a half servant, half free person, in the obligation of *Re'iya*. Nevertheless he adds that this is not the *halacha* and that such a person is exempt. This comment certainly needs further explanation.

A half servant, half free person is a servant that was owned by two people, yet only one of the owners decided to set the servant free of his share.

When the *Gemara* discusses the opening line of the *Mishnah* it deliberates whether it includes such a person. The *Mishnah* however lists a “servant who is not free” as one who is exempt from *Re'iya*. *Ravina* understands that since the *Mishnah* add the words “who is not free” it must have been referring to a half servant. The *Gemara* therefore differentiates between two different teachings (*Mishnah Rishona* and *Mishna Achrona*). To explain, initially, *Beit Hillel* argued that this servant would be required to serve his remaining master on alternating days (this is the *Mishnah Rishona*). In the end however, *Beit Hillel* agreed with *Beit Shammai* that we force the remaining master to set the servant free (*Mishnah Achrona*). (Were it not the case, the half servant would not be able to marry either another servant (as he is half free) or a *bat yisrael*.) The question debated by the *Rishonim* is how does the change in position of *Beit Hillel* relate to our *Mishnah*.

*Rashi* explains that according to the *Mishnah Rishona* the half servant was exempt. According to the *Mishnah Achrona*, since the remaining owner is now forced to free him, the half server is considered *as if* he is free with respect to *Re'iya*. Importantly, he is not yet truly free and requires a formal *get shichrur* to achieve full freedom. The *Lechem Mishnah* (*Korban Chagigah* 2:1) notes that according to this understanding the order of the *Mishnah* is reversed and discusses the *Mishnah Achrona* first.

The *Rambam* however understand the situation in the reverse (as does the *Bartenura* cited above<sup>1</sup>). According to the *Mishnah Rishona* the half servant was obligated. Once *Beit Hillel* changed their position, the half servant became exempt. The *Tosfot Yom Tov* explains that since according to this initial ruling, the half servant was caught in that position, the *Chachamim* enacted a *takana* for him to perform the *mitzvah*. According to the *Mishnah Achrona*, since the remaining owner was being forced to free him, they left him excluded from the *mitzvah* thereby adding more pressure on the owner to free him. (This is the explanation of *Avraham ben HaRambam*.)

The *Mishnah Lemelech* notes that according to this understanding of the *Rambam*, the half servant is exempt on a biblical level, yet according to the *Mishnah Rishona* the *Chachamim* nonetheless obligated him. If so, the half servant would be violating the prohibition of bringing a *chulin* animal into the *Beit HaMikdash*! The *Mishnah Lemelech* suggest that the *Chachamim* used their ability to declare property ownerless and made this half servant completely free thereby obligating him on a biblical level. The *Sefat Emet* however suggest that the obligation for *Re'iya* discussed refers only to appearing in the *Beit Ha'Mikdash* but not to bring the accompanying *olah* offering.<sup>2</sup>

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<sup>1</sup> The *Tosfot Yom Tov* notes that the *Bartenura* appears to switch sides regarding a half servant with respect to the *korban pesach* (*Pesachim* 8:1). There the *Bartenura* explains that according to the *Mishnah Achrona* since the owner is forced to free him, even though he is not yet free he is considered like a free person and may eat from his own *korban pesach*. The *Chidushei Mahariach* answers that by *korban pesach*, since the owner has other options for the half servant to take part in the *korban pesach* without freeing him, preventing the *eved* from having *korban pesach* on his own will not expedite his release. An *eved* can eat from a *korban pesach*. The issue with a half-eved is that *min ha'stam* the remaining

owner would not have included the part of the *eved* that is free; the owner could include that part if he chose to. Here however, there is no option for the half servant other than his release to perform the *mitzvah* of *Re'iya*.

<sup>2</sup> The *Sefat Emet* also quote the opinion of the *Rishon Le'Tzion* that according to the *Mishnah Rishona* since there were definite days where he was free, he could be considered completely free on those days. According to the *Mishnah Achrona* however, since the owner must free the servant, it is no longer clear or defined when the servant is free and when it is not, so he is not obligated in *Re'iya*. The *Sefat Emet* however finds this explanation difficult.

**Revision Questions**

מועד קטן ב' ד' ג' ט'

- What are the two situations under which one is allowed to purchase a house during *Chol Ha'moed*? (ב' ד')
- Can one move house during *Chol Ha'moed*? (ב' ד')
- In what manner is one allowed to sell fruit during *Chol Ha'moed*? (ב' ה')
- According to *R' Yosi* which professionals were *machmir* not to work in any manner during *Chol Ha'moed*? (ב' ה')
- Which seven people are allowed to shave during *Chol Ha'moed*? (א' ג')
- What else were these people specifically, allowed during *Chol Ha'moed*? (ג' ב')
- Which twelve contracts were allowed to be drawn during *Chol Ha'moed*? (ג' ג')
- In what situations can one write a contract for a loan on *Chol Ha'moed*? (ג' ד')
- Can one write *tefillin* during *Chol Ha'moed*? (ג' ד')
- What is the law regarding a mourner, where *Yom Tov* coincides with the *shiva* period? (ג' ה')
- What is the law regarding a mourner, where *Yom Tov* coincides with the *shloshim*? (ג' ה')
- What is the law regarding a mourner on *Shabbat* during the *shiva* and *shloshim*? (ג' ה')
- Regarding the previous three questions, which festival does *R' Eliezer* argue that nowadays is treated like *Shabbat*? (ג' ו')
- Regarding the previous questions is *Rosh Hashanah* like a *Yom Tov* or *Shabbat*? (ג' ו')
- What is different about a burial that occurs during *Chol Ha'moed*? (ג' ו')
- Why would they rest a coffin in the street? (ג' ח')
- Would they rest a coffin in the street during *Chol Ha'moed*? (ג' ח')
- For whom would they never rest the coffin in the street? (ג' ח')
- What is *inui*? (ט' ג')
- What is *kina*? (ט' ג')

מועד קטן א' א' ג'

- Who is exempt from *Re'iyah*? (א' א')
- What are the two opinions regarding the definition of a *katan* that is exempt from *Re'iyah*? (א' א')
- What are the minimum values of a *korban Re'iyah* and a *korban Chagigah*? (Include both opinions) (א' ב')
- Which *korban* can be brought using *ma'aser sheni* money? (א' ג')
- On which day does *Beit Shammai* argue that the *korban* referred to in the previous question must be brought from *chulin* money? (א' ג')

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 <sup>th</sup> April ל' ניסן	23 <sup>rd</sup> April א' אייר	24 <sup>th</sup> April ב' אייר	25 <sup>th</sup> April ג' אייר	26 <sup>th</sup> April ד' אייר	27 <sup>th</sup> April ה' אייר	28 <sup>th</sup> April ו' אייר
Chagigah 1:4-5	Chagigah 1:6-7	Chagigah 1:8-2:1	Chagigah 2:2-3	Chagigah 2:4-5	Chagigah 2:6-7	Chagigah 3:1-2

