



Volume 8. Issue 48

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 above¹). 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.²

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¹ 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*.

² 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' די ג' ט'

- What are the two situations under which one is allowed to purchase a house during *Chol Ha'moed*? (ב' די)
- Can one move house during *Chol Ha'moed*? (ב' די)
- 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' די)
- Can one write *tefillin* during *Chol Ha'moed*? (ג' די)
- What is the law regarding a mourner, where *Yom Tov* coincides with the *shiva* period? (ה' ג')
- What is the law regarding a mourner, where *Yom Tov* coincides with the *shloshim*? (ה' ג')
- What is the law regarding a mourner on *Shabbat* during the *shiva* and *shloshim*? (ה' ג')
- Regarding the previous three questions, which festival does *R' Eliezer* argue that nowadays is treated like *Shabbat*? (ג' ר')
- Regarding the previous questions is *Rosh Hashanah* like a *Yom Tov* or *Shabbat*? (ג' ר')
- What is different about a burial that occurs during *Chol Ha'moed*? (ג' ר')
- 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) (ב' א')
- Which *korban* can be brought using *ma'aser sheni* money? (ג' א')
- On which day does *Beit Shammai* argue that the *korban* referred to in the previous question must be brought from *chulin* money? (ג' א')

Local Shiurim

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel *Shiur in English*

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 th April ל' ניסן	23 rd April א' אייר	24 th April ב' אייר	25 th April ג' אייר	26 th April ד' אייר	27 th April ה' אייר	28 th 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

