

Oral Law

*Leket Mitzvot, Gemara — Masekhet Baba Kama,
Mishna, Aggada, Responsa, Tefila KeMifgash*

for Olim

Instructions

- א. Duration of exam: Two hours and fifty minutes
- ב. Exam structure and breakdown of points:
There are three parts in this exam:
Part One – *Leket Mitzvot* — (5×16) — 80 points
or
Part Two – *Gemara Masekhet Baba Kama* — (5×16) — 80 points
Part Three – *Oral Law* — (2×10) — 20 points
Total — 100 points
- ג. Material that may be used during the exam:
A Hebrew–other language / other language–Hebrew dictionary
Booklet of pages from Masekhet Baba Kama, marked with the exam number
[The school will make copies of this booklet for students taking the Gemara exam.]
- ד. Special instructions: None

Write in the answer booklet only. Write "טייטה" at the top of each draft page. If you use draft paper outside the answer booklet, your exam may be disqualified.

Good Luck!

תורה שבעל פה

לקט מצוות, גמרא – מסכת בבא קמא,
משנה, אגדה, מספרות השו"ת, תפילה כמפגש

לעולים חדשים

הוראות

- א. משך הבחינה: שתיים וחמישים דקות.
- ב. מבנה השאלון ומפתח ההערכה:
בשאלון זה שלושה פרקים.
פרק ראשון – לקט מצוות — (16×5) — 80 נקודות
או:
פרק שני – גמרא מסכת בבא קמא — (16×5) — 80 נקודות
פרק שלישי – תוכני תורה שבעל פה — (10×2) — 20 נקודות
סך הכול — 100 נקודות
- ג. חומר עזר מותר בשימוש:
מילון עברי-לועזי / לועזי-עברי
חוברת דפים ממסכת בבא קמא ובה מספר השאלון.
[בית הספר יצלם חוברת זו לנבחנים בגמרא (
- ד. הוראה מיוחדת: אין.

יש לכתוב במחברת הבחינה בלבד. יש לרשום "טייטה" בראש כל עמוד המשמש טייטה.
כתיבת טייטה בדפים שאינם במחברת הבחינה עלולה לגרום לפסילת הבחינה.

בהצלחה!

Answer **Part One** or **Part Two**, according to the material you studied.

Questions

Part One – *Leket Mitzvot*

(80 points)

If you choose this part, answer five of the questions 1–8 (each question – 16 points).

1. Mitzva of honoring one's parents [מצוות כיבוד הורים] (לג)

- א. Explain how the mitzva of honoring one's parents leads to gratitude towards God. (6 points)
- ב. *Sefer Hahinuch* asks if a son is obliged to spend his own money on performing the mitzva of honoring his parents or if he should use only his parents' money to honor them. What is the final halakhic ruling on this question? Give two situations. (6 points)
- ג. In what case is a woman exempt from the mitzva of honoring her parents? (4 points)

2. Mitzva of lending money to a poor person [מצוות הלואה לעני] (סו)

- א. Why is the mitzva of lending money to a poor person "יותר חזקה ומחויבת ממצות נתינת הצדקה" ["stronger and more obligatory than the mitzva of giving tzedaka"]? Give two reasons. (8 points)
- ב. The mitzva of lending money to a poor person is derived from the verse "אם כסף תלוּה את עמי" ["If you lend money to My people"] (Shemot 22:24).
 - (1) What difficulty arises from the word "אם" at the beginning of this verse?
 - (2) Explain how the Sages resolve this difficulty. (8 points)

3. Not to delay payment of a worker's wage [שלא לאחר שכר שכיר] (רל)

- א. Explain the reason [שורש] for the mitzva of "שלא לאחר שכר שכיר". (6 points)
- ב. This mitzva requires an employer to pay his worker on time.
Give two situations in which the employer does **not** transgress this mitzva even if he does **not** pay his worker on time. (6 points)
- ג. Explain in your own words why a person who transgresses this negative commandment is not subjected to lashes [לא לוקים]. (4 points)

4. Mitzva of loving a Jew [מצוות אהבת ישראל] (רמג)

- א. (1) Why is the mitzva of loving a Jew a "כלל גדול בתורה" ["an important principle of the Torah"]?
- (2) Give an example of your own (not from *Sefer Hahinuch*) in which the mitzva of "ואהבת לרעך כמוך" ["You shall love your fellow man as yourself"] could be applied. (10 points)
- ב. Explain the reason [שורש] for the mitzva of "ואהבת לרעך כמוך". (6 points)

5. Mitzva of studying Torah [מצוות תלמוד תורה] (תיט)

- א. The Sages derived the mitzva of studying and teaching Torah from the words "ושננתם לבניך" ["You shall teach them to your sons"] (Devarim 6:7).
- (1) Who are "בניך", according to the Sages?
- (2) What does the word "ושננתם" mean, according to the Sages? (7 points)
- ב. The Sages said that a person must divide his study time into three parts. What are these three parts? (4 points)
- ג. Why is a woman not obliged to teach her son Torah? (5 points)

6. Reciting the Shema twice a day [לקרוא שמע פעמיים בכל יום] (תכ)

- א. It is a mitzva to recite the Shema twice a day. At what two times of the day is it a mitzva to recite the Shema? (4 points)
- ב. (1) What should a person say to fulfill the positive Torah commandment [מן התורה] of reciting the Shema?
- (2) What should a person say to fulfill the positive rabbinical commandment [מדרבנן] of reciting the Shema? (8 points)
- ג. Why are women exempt from the mitzva of reciting the Shema? (4 points)

7. Not to deviate from their words [שלא לסור מדבריהם] (תצו)

א. The author of the *Sefer Hahinuch* wrote:

"וטוב לסבול טעות אחת ויהיו הכול מסורים תחת דעתם הטובה תמיד, ולא שיעשה כל אחד ואחד כפי דעתו"

["And it is better to suffer one mistake but have everyone consistently following their good opinion, rather than each person following their own opinion"]

(1) Explain the words of *Sefer Hahinuch*.

(2) Based on what *Sefer Hahinuch* wrote further on, explain what the negative results of "each person following their own opinion" could be.

(7 points)

ב. The Sages rejected Rabbi Eliezer's opinion regarding "תנורו של עכנאי" [the oven of Akhnai], and God's response was "נצחוני בְּנִי" ["My sons have defeated Me"].

The *Sefer Hahinuch* wrote: "ומה שאמר 'נצחוני בְּנִי' – חלילה להיות ניצחון לפניו ברוך הוא" ["...and God forbid there is any victory over Him..."]

Based on what *Sefer Hahinuch* wrote further on, explain what God meant by "My sons have defeated Me".

(5 points)

ג. Below are five statements about a "זקן ממרא" [a rebellious sage]. Write the numbers of the three correct statements in your answer booklet.

(4 points)

1. A *zaken mamre* is a sage who is ordained to give halakhic rulings [הוסמך להוראה].
2. The law of *zaken mamre* applies only if he rules leniently while the sages of the High Court [בית הדין הגדול] rule strictly.
3. A *zaken mamre* is liable [חייב] if he disagrees with the sages of the High Court but does not rule that others must follow his ruling.
4. A *zaken mamre* is exempt [פטור] if he rebels against the High Court outside the *Lishkat Hagazit*.
5. A *zaken mamre* is liable if he disagrees with the High Court regarding an act punishable by *karet* [כרת] if done deliberately and which requires a sin-offering if done in error.

8. Not to destroy [שלא להשחית] (תקכט)

א. What is the reason [שורש] for the mitzva not to destroy fruit trees? In your answer, discuss, too, the following statement by *Sefer Hahinuch*:

"במידה שאדם מודד - בה מודדין לו, כלומר: בה הוא נדבק לעולם" ["...in the way a person measures, so is he is measured, in other words, he clings to it forever"].

(7 points)

ב. (1) *Sefer Hahinuch* wrote: "והמשחית... מתוך חֶמָה – אמרו עליו שהוא כעובד עבודה זרה" ["and one who destroys...in anger — they said he is like an idol-worshipper."].

Explain why the Sages compared a person who destroys something in anger to an idol-worshipper.

(2) The Gemara tells of several Sages who would throw things down.

Why did these Sages do this? Explain why they did not transgress the prohibition of "בל תשחית" [not to act destructively] by throwing things down.

(9 points)

Answer **Part One** or **Part Two**, according to the material you studied.

Part Two – Gemara Masekhet Baba Kama (80 points)

If you choose this part, answer five of the questions 9–18 (each question – 16 points).

9. "Rabba said: If it dug..." ["אמר רבה והוא שחתרה"]

- א. According to the initial understanding [הוה אמינא] of the gemara, to what part of the mishna is Rabba referring? (3 points)
- ב. Why does the gemara reject this understanding? In your answer, explain why the gemara cannot be referring to a solid wall and why it cannot be referring to an unsteady wall. (5 points)
- ג. "וכי איתמר דרבה אסיפא איתמר" ("so Rabba's statement refers to the end of the mishna...")
 - (1) According to the gemara's conclusion, to what part of the mishna is Rabba referring?
 - (2) What new law did Rabba learn from the mishna? What is the reason for this law? (8 points)

10. "If bandits took it out, the bandits are liable" ["הוציאוה ליסטים - ליסטים חייבין"]

- א. "פשיטא כיון דאפקוה קיימא לה ברשותיהו לכל מילי"
 - (1) Write the gemara's question in your own words.
 - (2) According to Rashi explain why the bandits are responsible for the animal.
 - (3) According to the gemara's answer, what new idea does the mishna present? Give one of the two possibilities that appear in the gemara. (9 points)
- ב. "מסרה לרועה נכנס הרועה תחתיו" ["If he handed it over to a shepherd, the shepherd takes his place."]
 - (1) How does the gemara explain the law in the mishna quoted above?
 - (2) "דאמר רבא שומר שמסר לשומר חייב" ["Rava said a guard who handed it over to a guard is liable"]
Explain why the gemara's explanation (which you gave in Sub-Item ב (1)) does not agree with this statement by Rava. (7 points)

11. Explanation of the verse "When a fire spreads" [דרשת הפסוק כי תצא אש]

The Tannaim differed in their interpretations of the verse:

"כי תצא אש ומצאה קוצים ונאכל גדיש או הקמה או השדה שלם ישלם המבעיר את הבערה" ["If a fire spreads and finds thorns, and a stack of grain or standing grain or the field is consumed, the one who ignited the fire shall surely pay"].

Copy the table below into your answer booklet, and write in it what the Tannaim derived from each word.

The word in the verse	What the Sages derived from it	What R. Yehuda derived from it
קוצים [thorns]		
גדיש [stack of grain]		
קמה [standing grain]		
שדה [field]		
או הקמה [or the standing grain]		
או השדה [or the field]		

(16 points)

12. Interpretation of the verses relating the story of David and the well in Bet Lehem

[דרשת הפסוקים של סיפור דוד ובור המים בבית לחם]

The Gemara brings three different interpretations given by the Amoraim of the verses describing the story of King David and the well in Bet Lehem. Copy the table below into your answer booklet and complete it according to two of the three different interpretations given by the Amoraim.

	David's question	The Bet Lehem Sanhedrin's halakhic answer	Why David refused to drink the water
Rava, quoting Rav Nahman			
Rav Huna			
Rabanan and some say Rabba Bar Mari			

(16 points)

13. "He who ignites the stack of grain" [המדליק את הגדיש]

א. "המדליק את הגדיש והיו בו כלים ודלקו" ["He who ignites the stack of grain in which there were vessels, and they caught fire"]

(1) Explain in your own words the case described above.

(2) Write the halakhic ruling given by each of the Tannaim in the mishna (R. Yehuda and the Sages), and the reason each of them gave for his opinion.

(8 points)

ב. According to Rav Kahana, the Sages would accept R. Yehuda's view in the case of igniting a fire in another's field.

(1) Explain why, according to Rashi.

(2) Rava disagrees with Rav Kahana's view, based on the mishna.

Quote the mishna's words on which Rava's disagreement with Rav Kahana's explanation is based, and explain Rava's disagreement.

(8 points)

Questions on "Perek Meruba" [פרק מרובה]

Answer two of the three items below (each item – 8 points).

14. א. Cases in which it is permitted to raise small livestock (בהמה דקה) in Eretz Yisrael

The Baraita [ברייתא] says:

”ואף על פי שאמרו אין מגדלין בהמה דקה אבל משהה הוא קודם לרגל שלושים יום וקודם משתה בנו ל' יום ובלבד שלא ישהה את האחרונה שלושים יום”

[“Even though it says that one may not raise small livestock, however one may keep it for thirty days prior to a pilgrimage festival or the feast for their son, provided they do not leave the last for thirty days.”]

(1) Based on the Baraita, give both cases in which it is **permitted** to keep small livestock in Eretz Yisrael, and explain why it is permitted in these cases.

(2) ”ובלבד שלא ישהה את האחרונה שלושים יום” [“provided they do not leave the last for thirty days”]. Explain this phrase in your own words.

ב. Rabbi Yishmael's family [בית אבא של רבי ישמעאל]

”אמר רבי ישמעאל מבעלי בתים שבגליל העליון היו בית אבא ומפני מה חרבו שהיו מרעין בחורשין... ואף על פי שהיו להם חורשים סמוך לבתיהם שדה קטנה הייתה ומעבירין דרך עליה”.

[“Rabbi Yishmael said: My father's family were among the wealthy property owners in the upper Galilee, and for what reason were they destroyed...they would graze in the forests...and even though there were forests close to their houses, there was a small field and they would take their flocks on a path through it.”]

(1) Explain the phrase: ”ומפני מה חרבו שהיו מרעין בחורשין”.

(2) Explain the problem with Rabbi Yishmael's family's behavior.

ג. Entering a house celebrating a week since the birth of a son [בכניסה לבית שבוע הבן]

”רב ושמואל ורב אסי איקלעו לבי שבוע הבן” [“Rav and Shmuel and Rav Asi happened to be at house celebrating a week since the birth of a son”] and the question arose: in what order should they enter the house?

(1) Why did Shmuel not enter before Rav Asi, why did Rav Asi not enter before Rav, and why did Rav not enter before Shmuel?

(2) The Amoraim decided that Rav should enter first, followed by Rav Asi, and then finally, Shmuel. Explain why they decided on this particular order.

Beki'ut (for students who studied 6.5 pages of Gemara with Rashi)

15. An eye for an eye – money: as explained by the beit midrash of Rabbi Yishmael

[“עין תחת עין - ממון” – דרשת דבי רבי ישמעאל]

- א. Based on the initial understanding of the gemara, from which word in the verse did the sages of Rabbi Yishmael's beit midrash learn that “עין תחת עין - ממון”? Explain how they learned from this word that the Torah means money. (5 points)
- ב. The gemara disagrees with this interpretation of Rabbi Yishmael's words, and suggests another interpretation of his words.
- (1) With what word does the gemara's question begin, and with what word does the gemara's answer to the question begin?
- (2) Based on the gemara's answer, explain in your own words how Rabbi Yishmael's beit midrash learned that an “eye for an eye” means money. (7 points)
- ג. The gemara raises the question: “כאשר יתן מום באדם למה לי” [Why do we need the words ‘if he inflicts a blemish on a person’]. Using your own words, give the gemara's answer to this question. (4 points)

16. If infection appeared due to the injury [“עלו בו צמחים מחמת המכה”]

“The Sages taught: If infection appeared due to the injury...”

- א. “במאי קא מיפלגי”. Translate the gemara's question. (5 points)
- ב. According to Rabba, the dispute between the three opinions in the baraita stems from differences in their interpretation of the verse “רק שבתו יתן ורפא ירפא” [“...but he should give for his enforced idleness and provide for his cure.”] (Shemot 21, 19).

Copy the table below to your answer booklet, and fill in the missing information according to Rabba's opinion. (11 points)

	Law regarding payment of medical expenses (ריפוי)	Reason for the law regarding payment of medical expenses	Law regarding payment for enforced idleness (שִׁבְת)
Sages' opinion [תנא קמא]			
Rabbi Yehuda's opinion			
Later Sages' opinion [רבנן בתראי]			

Iyun (for students who studied 5 pages of Gemara with Rashi and in-depth sources)

17. Using someone's money to save one's own life, taking someone's property with the intention of paying
[מציל עצמו בממון חברו, ונוטל רכוש חברו על מנת לשלם]

- א. רב הונא אמר גדישים דשעורים דישראל הוו דהוו מטמרי פלישתים בהו וקא מיבעיא ליה מהו להציל עצמו בממון חברו.
[Rav Huna said: There were stacks of barley belonging to a Jew in which the Philistines were hiding and he wondered whether one is permitted to save themselves at the expense of another's money.]

Explain the question posed by King David according to the explanation given by Tosafot. (6 points)

- ב. Read the following passage written by Harav Haim David Halevi, and answer the questions below.

בתוך דברי מכתבך הארוך באה שאלתך במשפטים המצוטטים דלהלן: "יש בידי כספים של אדם מסוים שהפקידם... מצבי דחוק מאוד כרגע, אני מתבייש לפנות לצדקה... בשבילי זה פיקוח נפש ממש... האם מותר לי לקחת כספו של אותו אדם לשם הצלתו... והלא פיקוח נפש דוחה כל התורה כולה".

מדברך אני מבין שכוונתך לקחת כספו שלא על מנת להחזיר לו לעולם, ואולי בכוונתך להכחיש את דבר הפיקדון לגמרי. וזו אינה צריכה לפנים, כי דבר זה אסור הוא לחלוטין. וכי כיצד יעלה על דעתך לגזול כספו של אדם שנתן בך אמון, והפקיד כספו בידך. ואפילו נתון אתה בסכנת מוות אינך רשאי לעשות כן. וכך כתב הטור (חושן משפט, סימן שנט): "ואפילו אם הוא בסכנת מוות ובא לגזול את חברו ולהציל את נפשו, אסור לו לגזול, אם לא על דעת לשלם דוודאי אין לך דבר העומד בפני פיקוח נפש, לך הוא רשאי ליטלו ולהציל נפשו, אבל לא ייקחנו אלא על דעת לשלם ...".
ולא תתמה שפיקוח נפש דוחה כל התורה כולה, ולדברך אתה נתון בסכנה של פיקוח נפש, ומדוע לא תדחה איסור גזל שבתורה. כי מניין לך שגם בשביל חברך אין זה מקרה של פיקוח נפש. וכבר אמרו רז"ל (בבא קמא, קיט, ע"א): "אמר ר' יוחנן: כל הגזול את חברו שווה פרוטה כאילו נוטל נפשו ממנו, שנאמר: 'כן ארחות כל בצע בצע את נפש בעלי יקח' (משלי, א', י"ט)".
ואולי בשעה שיבוא אותו אדם לבקש פיקדונו מידך ותכחש בו, את נפשו אתה נוטל באותה שעה, ומה ראית להציל נפשך בנפש חברך [הרב חיים דוד הלוי שו"ת עשה לך רב, חלק ז, סימן סב]

[...your question appears in the following sentences: "a certain person entrusted some money in my hands...I'm in severe financial difficulties at the moment, I'm ashamed to ask for tzedaka...it's a matter of pikuah nefesh to me... Am I permitted to take this person's money in order to save myself? Surely pikuah nefesh overrides the entire Torah."

I understand that you intend to take the money without ever repaying it and may even deny you received it. There is no question here: this is absolutely forbidden. How can you even think of stealing the money of someone who trusted you with his money? Even if you were in mortal danger, you are not allowed to do this. The Tur writes (*Hoshen Mishpat* 359): "And even if he is in mortal danger and comes to steal from another person to save his life, he is forbidden to steal unless intending to repay, as certainly nothing is stronger than pikuah nefesh, therefore he is allowed to take the money to save his life, but only if he intends to repay the money." And as for your argument that pikuah nefesh overrides the entire Torah and since you are in mortal danger, why should you not override the Torah prohibition against theft: how do you know that this friend is not in mortal danger too?! The Sages said (Bava Kama 119a): "R. Yohanan said: Anyone who steals anything worth a *peruta* from another is considered to have taken his life, as it says 'So are the ways of everyone who commits robbery; it will take away the life of its owner' (Mishlei 1:19). And perhaps when that person comes to ask for the money he entrusted in your hands and you deny it, you'll be taking away his life, and how can you save your own life at the expense of your friend's life?]

- (1) According to the Tur, on what condition is a person who is in mortal danger permitted to save himself using another person's money?
(2) Based on Harav Haim David Halevi, explain why it is forbidden to steal even to save a life [פיקוח נפש].

(10 points)

18. Raising small livestock in Eretz Yisrael [גידול בהמה דקה בארץ ישראל]

- א.** Read the following responsum written by Rav Ovadia Yosef, and then answer the question below.

נשאלתי מאת הרה"ג ר' יעקב שמש שליט"א אודות מה שפסק מרן בשולחן ערוך חושן משפט (סי' תט, ס"א) אין מגדלים בהמה דקה בארץ-ישראל מפני שדרכם לרעות בשדות של אחרים והיזקם מצוי, אבל מגדלים בסוריה ובמדברות שבארץ-ישראל. והאידנא שאין מצוי שיהיו שדות לישראל בארץ-ישראל נראה דשרי. עכ"ל. היאך הדין נוטה בזמן הזה שבעזה"י זכינו ליישוב ישראל בארץ-ישראל ... ותבט עיני להגאון מופת דורינו הרב צבי פסח פראנק... שנשאל בדיון זה, וכתב: לדעתי, יש לדון בעניין זה להיתרא, ולומר שכיוון שבמשך הזמן נתבטל האיסור והותר לגדל בהמה דקה בארץ-ישראל, שוב אין הדבר חוזר לאיסורו אלא על ידי מניין חדש, וכל זמן שלא נגזר במניין מחדש הרי הוא כגזרה חדשה שאין עושים מעצמנו גזרות חדשות. (הרב עובדיה יוסף, שו"ת יביע אומר, חלק ג – חושן משפט, סימן ז)

[Rav Yaakov Shemesh asked me about the ruling of the *Shulhan Aruch, Hoshen Mishpat* (409:1) that one must not raise small livestock in Eretz Yisrael because they tend to graze in the fields of others, often causing damage, but they may be raised in Suriya and deserts of Eretz Yisrael. And nowadays it would seem to be permitted, since Jews do not own fields in Eretz Yisrael. These are his words. But nowadays, when the Jews have been blessed and with God's help have settled Eretz Yisrael, what is the law? So I consulted the ruling of the great Rav Tzvi Pesah Frank...who was asked about this law and wrote: In my opinion, it should be permitted, since over the course of time, this prohibition became invalid and raising small livestock in Eretz Yisrael was permitted. It cannot become prohibited again unless a new quorum of suitable rabbinical authority rules as such, ...otherwise it is considered to be a new edict, which we are not allowed to make.]

Explain in your own words Rav Tzvi Pesah Frank's halakhic permission [היתר] to raise small livestock in Eretz Yisrael nowadays (quoted by Rav Ovadia Yosef above).

(8 points)

- ב.** Read Rav Shaul Yisraeli's responsum and then answer the question below.

נראה פשוט שאם הניזוקין מוחלים על זה ומוכנים לכך לכשישלמו להן נזקם, אז האיסור אינו קיים כלל, כי לא הייתה זו תקנת חכמים מוחלטת אלא תקנה לטובת מי שהרשות בידו לומר שמוותר על תקנה שניתנה לטובתו. ובזמן הזה שהיישוב בכללו מפיק תועלת מגידול בהמות דקות, בפרט עכשיו שהגבולות מסביב סגורים והטעם שאמרו שם בגמרא שאפשר להביאם אינו קיים, כי להביא ממרחק הרי זה כרוך בהוצאות מרובות, ונוסף על זה הרי זה מפרנס חלקים חשובים של היישוב, שמשום כך יש לדון שוודאי קיימת הסכמה כללית ונכונות שלא להקפיד מצד האיסור שלא לגרום נזק. ממילא אין כאן שום איסור כלל, כיוון שהללו שלטובתם ניתקן, גם הם אינם מקפידים על זה ומסכימים מרצון לוותר לטובת היישוב. ואין אנו צריכים לבוא כאן כלל לביטול התקנה, אלא שבנידון דיון אין התקנה קיימת כלל. (הרב שאול ישראל, עמוד הימיני, סימן כג)

[Obviously, if the injured parties waive it...and are prepared to accept payment if damage is incurred, there is no prohibition, because it was not an absolute rabbinical edict but an edict for the benefit of a party who is also authorized to waive the benefit of this edict. Nowadays, the whole country benefits from the raising of small livestock, our surrounding borders are closed and there is no option of importing livestock as the Gemara suggests, and importing from distant countries is very expensive. In addition, it is a source of income for a significant number of people. Therefore, we may rule that general agreement exists that we do not have to be concerned about the prohibition against causing damage. In any case, there is no real prohibition here since all whom the edict was intended to benefit, agree to waive the edict for the good of the country, so we do not have to cancel the edict, because in fact, it does not exist in this case.]

Explain in your own words the permission given by Rav Shaul Yisraeli to raise small livestock in Eretz Yisrael nowadays.

(8 points)

Part Three – Oral Law

(20 points)

Answer two of the questions 19–30 (each question – 10 points).

Mishna

19. Tractate Bikkurim (First Fruits) [מסכת ביכורים]

- א. "אלו שאינן מביאין: הנוטע לתוך שלו והבריק לתוך של יחיד" (פרק א', משנה א')

Explain the case described in this quotation. Why does the farmer not bring bikkurim in this case?

(3 points)

- ב. ("The convert brings but does not read.") ("הגר מביא ואינו קורא" (פרק א', משנה ד'))

(1) Explain why a convert does not read the bikkurim declaration.

(2) R. Ovadia Mi'bartenura writes in the name of the Rambam: "אלא הגר מביא וקורא".

["The halakha does not follow this mishna: a convert brings and does read"]

Explain the reason for the Rambam's ruling.

(4 points)

- ג. Explain why bikkurim are brought specifically from "fruit of the mountains" and "dates of the valleys".

(3 points)

20. Tractate Shabbat [מסכת שבת]

"הכותב שתי אותיות, בין בימינו, בין בשמאלו, בין משם אחד, בין משני שמות, בין משני סממניות, בכל לשון – חייב. אמר רבי יוסי: לא חייבו שתי אותיות אלא משום רושם, שכך היו כותבין על קרשי המשכן, לידע איזהו בן זוגו. אמר רבי: מצינו שם קטן משם גדול – שם משמעון ושמואל, נח מנחור, דן מדניאל, גד מגדיאל" (פרק י"ב, משנה ג)

- א. "בין משם אחד, בין משני שמות, בין משני סממניות"

Explain the underlined terms (one explanation is enough for the third term).

(5 points)

- ב. "אמר רבי יוסי: לא חייבו שתי אותיות אלא משום רושם"

What is Rabbi Yosei's opinion in his dispute with the Tanna Kamma?

(2 points)

- ג. Write in your own words the case and the law that Rabi is describing.

(3 points)

21. Tractate Sanhedrin [מסכת סנהדרין]

- א. ["In cases involving ritual impurity and purity they start from the greatest."] (פרק ד', משנה ב)

Explain the law in this quotation. In your answer, explain the underlined words. (2 points)

- ב. ["In cases involving capital offenses they start from the side."] (שם)

(1) Explain the law in this quotation. In your answer, explain the underlined word.

(2) What is the reason for this law?

(4 points)

- ג. (1) ["All are fit to judge monetary law."] (שם)

Who does the mishna include in the word "all", according to R. Ovadia Mi'bartenura?

- (2) ["Not all are fit to judge cases involving capital offenses."] (שם)

Who is fit to judge cases involving capital offenses, according to the continuation of the mishna?

(4 points)

Aggada

22. The power to change [הכוח לשנות]

- א. There was a drought in the town where Rabbi Tanhuma lived. The townspeople performed two acts in order to bring rain. What two acts did they perform? (2 points)

- ב. The townspeople saw a man giving money to his ex-wife.

(1) How did the townspeople explain the fact that he gave her money, and how did the man explain it?

(2) As a result of what the man who had given his ex-wife money said, Rabbi Tanhuma prayed.

What did Rabbi Tanhuma say in his prayer?

(6 points)

- ג. Explain why the acts that the townspeople performed did not bring rain. (2 points)

23. Tzedaka and compassionate acts [צדקה וחסד]

- א. Turnus Rufus asked Rabbi Akiva:

"אם א-לוהיכם אוהב עניים הוא, מפני מה אינו מפרנסם?" (בבא בתרא, י"ע"א)
["If your God loves the poor, why does He not provide for them?"]

Explain Rabbi Akiva's reply to this question.

(2 points)

- ב. Turnus Rufus said to Rabbi Akiva: "אמשול לך משל, למה הדבר דומה?...?" ["I'll give you a metaphor, what is this like...?"] and Rabbi Akiva responded with his own metaphor:

"אמר לו רבי עקיבא: אמשול לך משל, למה הדבר דומה? למלך בשר ודם שכעס על בנו וחבשו בבית האסורין, וציווה עליו שלא להאכילו ושלא להשקותו, והלך אדם אחד והאכילו והשקהו, כששמע המלך לא דורון משגר לו? ואנן קרויין בנים, דכתיב: 'בנים אתם לה' א-להיכם' (דברים, י"ד, א')"

["Rabbi Akiva said: I shall tell you a parable: What is this like? A human king who was angry with his son and put him in prison, ordering that no one give him food and drink. But one person went and gave him food and drink. When the king heard, would he not send him a gift? And we are called children, as is written: 'You are children to the Lord your God.'"]

Explain what Rabbi Akiva's parable meant [הנמשל]. In your answer, explain who the son is, and what the prison, food and drink, and gift are.

(4 points)

- ג. Sometimes people are uncertain whether to give tzedaka to a poor person because they fear that the person is pretending to be poor. Rabbi Eliezer Papo (*Pele Yo'etz*) writes:

"ועל כל פנים לא יפחות מליתן לכל שואל ולכל מין כמידת קונו"

Rabbi Eliezer Papo's advice can help people with this dilemma. Explain his advice on this issue.

(4 points)

24. Rav and student [רב ותלמיד]

- א. According to Rabbi Meir, it is preferable to learn Torah from one rav rather than learning from several rabbanim.

(1) What is the metaphor [משל] for a person who learns from one rav? What is the metaphor for a person who learns from several rabbanim?

(2) What advantage does someone who learns from just one rav have, according to this metaphor?
(5 points)

- ב. "ואמר רבי יוחנן משום רבי שמעון בן יוחי: גדולה שמושה של תורה יותר מלמודה" ["And Rabbi Yohanan said in the name of Rabbi Shimon ben Yohai: 'Shimush Torah is greater than limmud Torah.'"]

(1) Explain Rabbi Yohanan's statement in your own words. How is this idea learned from what is written about the prophet Elisha ben Shafat?

(2) Based on Rabbi Yitzhak Arame (author of *Akedat Yitzhak*), explain why *shimush* Torah is greater than *limmud* Torah?

(5 points)

Responsa [מספרות השו"ת]**25. Customs of Jewish communities and prayer rites [מנהגי עדות ונוסח התפילה]**

- א. Rabbi Moshe Feinstein (*Iggerot Moshe*) discusses a case in which the prayer rite [נוסח] of a certain individual is different from that of the beit kneset where he is praying.
- (1) According to Rabbi Moshe Feinstein, what should this person do in his personal Amida prayer [תפילת לחש]?
- (2) According to Rabbi Moshe Feinstein, what should this person do in his personal Amida prayer if he is the *shaliah tzibbur* [prayer leader], and why?

(3 points)

- ב. A new town had residents with different Jewish traditions [עדות שונות]. The residents were in a dilemma regarding their beit kneset: should they all pray together in one minyan **or** have separate minyanim according to their traditional prayer rites?

Give one halakhic reason to support each of these opinions. (3 points)

- ג. Read the following passage from the Gemara and answer the question below:

"וכשקידשו בית דין את השנה באושא, ירד רבי יוחנן בן ברוקא לפני רבן שמעון בן גמליאל ועשה כרבי יוחנן בן נורי. אמר לו רבן שמעון: לא היו נוהגין כן ביבנה. ליום השני ירד רבי חנינא בנו של רבי יוסי הגלילי ועשה כרבי עקיבא. אמר רבן שמעון בן גמליאל: כך היו נוהגין ביבנה" (ראש השנה, לב, ע"א)

["When the Beth Din sanctified the year in Usha, Rabbi Yohanan ben Broka lead the service in Rabban Shimon ben Gamliel's presence according to Rabbi Yohanan ben Nuri's rite. Rabban Shimon said to him: "This is not what they used to do in Yavne." On the second day, Rabbi Hanina, Rabbi Yosei Haglili's son, lead the service according to Rabbi Akiva's rite. Rabban Shimon ben Gamliel said: "This is what they used to do in Yavne."]

Write what Rav Nachum Rabinovitz learned from this passage from the Gemara regarding the choice of prayer rite in a community, and explain how he learned this from the passage above.

(4 points)

26. Employers and employees [מעסיקים ועובדים]

- א. According to the Torah: (ויקרא, י"ט, ג) ["You shall not oppress your neighbor, and you shall not steal."]
- Regarding the payment of a worker's wages – write two situations in which even the person who pays his worker transgresses the prohibition against oppression and the prohibition against stealing.

(5 points)

- ב. "כל שכיר ששכרו בעדים ותבעו בזמנו, ואמר בעל הבית נתתי לך שכרך, והשכיר אומר לא נטלתי כלום, תיקנו חכמים שיישבע השכיר... וייטול... מפני שבעל הבית טרוד בפועליו, וזה השכיר נושא נפשו לזה". (רמב"ם, הלכות שכירות, פרק יא, הלכה ו. צוטט בדברי החפץ חיים)

Explain the case, the ruling and the reason for this ruling in the passage from the Rambam.

(5 points).

27. Personal risk to save an individual and a group [סיכון עצמי להצלת הפרט והכלל]

א.

"רבי איסי נשבה אצל גזלנים בספסופה, והיה בסכנה. אמר רבי יונתן: שיכין לעצמו תכריכים. אמר רבי שמעון בן לקיש: או שאהרוג או שאיהרג, אלך ואנסה להציל אותו בכוח. הלך ופייס את הגזלנים, ונתנו לו את רבי איסי" (על פי תלמוד ירושלמי, מסכת תרומות, פרק ח', הלכה י)

[" Rabbi Isi was captured by bandits in Sapsufa and was in danger. Rabbi Yonatan said: 'He should be prepared to die.' Rabbi Shimon ben Lakish said: 'Either I kill or I will be killed. I will go and try to save him by force.' He went, appeased the bandits and they freed Rabbi Isi."]

This passage describes the reactions of two Sages to Rabbi Isi's imprisonment.

- (1) Some argue that one can prove from this story that a person is obligated to put themselves into possible danger in order to save their friend from a certain danger. Explain this proof.
 - (2) According to Rabbi Eliezer Waldenberg (Responsa *Tzitz Eliezer*), write two reasons for rejecting this proof.
- (8 points)

ב.

לך שב מצרים כי מתו כל האנשים המבקשים את נפשך" (שמות, ד', י"ט)

["Go back to Egypt for all the men who were seeking your life died"] (Numbers 4, 19)

Rabbi Meir Simcha Hacoen of Dvinsk (*Meshekh Hokhma*) proved from this verse that a person is not required to put themselves into danger even in order to save the Jewish people.

Explain this proof.

(2 points)

Prayer as an encounter [תפילה כמפגש]

28. The Shema prayer [קריאת שמע]

- א.** In the Mishna in Tractate Brakhot (2, 2), Rabbi Yehoshua ben Korha explains the order of reciting the Shema passages.

- (1) According to Rabbi Yehoshua ben Korha, why is the section "שְׁמַע" recited before the section "וְיֵאמָר"? And why is the "וְיֵאמָר" section recited before the "שְׁמַע" section?
- (2) What do we learn from the commandment to recite the Shema twice a day "when you lie down and when you get up" ["בשכבך ובקומך"]?

(5 points)

- ב.** While reciting the first verse of the Shema:

- (1) On what thought [כוונה] should a person concentrate from the outset [לכתחילה] while reciting the words "ה' אֶחָד", and on what thought should a person concentrate from the outset while reciting the words "אֶחָד"?
- (2) A person who did not fully concentrate on the precise meaning of each word of the first verse of the Shema – what intention is sufficient to concentrate on in order to fulfill their obligation **retroactively** [בדיעבד]?

(5 points)

29. The Amida prayer [תפילת עמידה]

- א. (1) Why did the Sages establish a fixed text for the *Amida* prayer instead of allowing everyone to compose their own prayer?
- (2) Among the blessings in the middle of the *Amida* there are two types of requests. Write what the two types are and give one blessing as an example for each type.
- (5 points)
- ב. The Sages allow anyone to add a personal request in the *Amida*.
- (1) Why is it recommended to add personal requests in the *Amida*?
- (2) Name two places in the *Amida* where personal requests can be added.
- (5 points)

30. The Amida prayer – individual prayer and communal prayer [תפילת העמידה – תפילת היחיד ותפילת הרבים]

- א. Rabban Gamliel and the Sages disagreed about which prayer is the main one – the individual's prayer or the communal prayer.
- According to each opinion, why is there also a need for a prayer that is not the main prayer?
- (4 points)
- ב. According to the opinion that the individual's prayer is the main prayer, canceling the prayer leader's repetition [חזרת הש"ץ] would be possible today.
- Explain why canceling the prayer leader's repetition might be possible, and why nevertheless it is not canceled today.
- (6 points)

Good Luck!

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