



מכון
סמיכה
גיוס
ככל אחד
עולם
החוכמה

עולם ההלכה

גיליון פ"ה | שבת קודש פ' כי תצא | ט' אלול תשפ"ו

עולם התשובה

לקט שאלות ותשובות

Slichos

Rabbi M.M Prescott Rosh Yeshiva Machon Smicha

Most tefillos have a clear basis in Mishnah, Gemara, or at least midrash. Selichos of Elul stands apart. It is universal — thoroughly woven into the fabric of the Elul-Tishrei schedule — yet its source is comparatively vague, with no explicit mention in Chazal. What, then, is the source of this tefillah? In what period did it take shape, and what is the reason behind it? And what accounts for the differing minhagim as to when selichos should begin?

Origins

The practice of reciting selichos during this season — the precise timing varies by minhag — reaches back a long way. There is room to presume it was already practiced in the time of the Gemara, though this cannot be proven. What we do know is that the Geonim describe it as an established practice in the yeshivos of Sura and Pumbedisa. They speak of it as a matter taken for granted, suggesting that the minhag was already old by their time — quite possibly reaching back to the period of the Gemara itself.

As for a documented source, the earliest references are in the writings of the Geonim as mentioned. The Rosh (Rosh Hashana 4:14) cites a number of Geonim who describe the recitation of special tefillos early in the morning, which they refer to as tachanunim, with some variation as to timing: some limit them to Aseres Yemei Teshuvah, while others describe them beginning from the start of Elul (the day after Rosh Chodesh, since selichos are not said on Rosh Chodesh itself — see Mishnah Berurah 581:1).

Rav Amram Gaon, in his siddur, devotes a full section to these tefillos, which he calls ashmoros. This indicates that they were already an integral and central part of the seder hatefillah in their time.

What Are Selichos?

What distinguishes the tefillah of *selichos* from all others is its centrality around the thirteen Middos Rachamim. Every selichos, whatever the occasion, consists at its core of the recitation of the Middos Rachamim, accompanied by piyyutim composed over many centuries. While the basic structure has remained constant, additional piyyutim were introduced into the liturgy over the generations of the Rishonim.

The term “selichos” itself does appear in the Geonim, as in Seder Rav Amram Gaon, but not with the broad meaning we give it today. There, it refers specifically to the selichos recited on Yom Kippur day during *chazaras hashatz*, and on Yom Kippur night. Over time, the term came to be applied to all such tefillos.

When Do Selichos Begin?

Some Geonim, describing the practice of rising early to say *selichos*, assign it specifically to Aseres Yemei Teshuvah. Rav Kohan Tzedek testifies that both yeshivos in Bavel followed this practice, implying that *selichos* were not said before Rosh Hashanah at all. Other Geonim, such as Rav Yitzchak Ge'ios, write that in his locale *selichos* began from the start of Elul (see Rosh ibid.).



עולם הברכה

הרב חיים אברהם זאקוטנסקי ר"מ במכון סמיכה ורב דק"ק השיבנו ניו יורק

אשר יצד לחולה המחובר לקטטר (CATHETER)

לשון השלחן ערוך [סימן ז' סעיף א']- כל היום כשעושה צרכיו, בין קטנים ובין גדולים, (ו) מברך אשר יצר ולא על נטילת ידים, אף אם רוצה ללמוד ולהתפלל מיד. הגה היו ידיו מלכלכות, שפשף בהן, אפילו הכי אינו מברך על נטילת ידים (סמ"ג סימן כ"ז מצוות עשה).

יש לעיין הדין בחולה המחובר לקטטר, דהיינו שמחברים בקנה אל האבר וצינור גומי (rubber) דק חודר מבפנים עד השלחופית (כיס השתן) והמ"ר יוצאים דרך בו אל כלי זכוכית או שקית שמחברים מצד שני בקצה למטה, מהו לברכת אשר יצר.

אם יש בחולה כזה חיוב לברך אשר יצר

הנה מתחילה עלינו לבאר אם חולה כזה שמטיל מים באמצעות כלי קטטר, אם צריך לברך אשר יצר בכלל או דילמא כיון שאינו מטיל מים כדרך כל אדם בלא יסורים, וגם פעמים מצטער הנהו על צורת היציאה שאינם יוצאים כרגיל כ"א באמצעות הקטטר, אולי אין לו לברך כלל.

והנה מצאתי בשו"ת האלף לך שלמה (סימן ב') מהגאון רבי שלמה קלוגר זצ"ל דנשאל שם במי שמטפטף מי רגלים לאנוסו אם יש לברך ע"ז אשר יצר כיון שהוא מן קללה, והשיב, דברכת אשר יצר הוא על גוף הבריאה אשר יצר את האדם בחכמה וכו' וזה גופו הוא טובה ומה בכך בלאישה הזה הוא רעה זה ענין אחר אבל הברכה הוא על דבר הטובה וכו' ולכן בכה"ג ודאי חייב לברך ע"ש, ולפי דבריו (דברכה זו נתקן על סדר העולם על מה שבראנו ויצא אותו בחכמה) שפיר יש לברך בנד"ד. ומה עוד דאף בנד"ד אינו מצטער רק על צורת היציאה שאינם יוצאים כרגיל כי אם באמצעות הקטטר. אמנם כשיוצאים סו"ס שמח על כך, ולכן מכיון שעל עצם יציאת המ"ר אינו מצטער ואילו היה נסתם למעלה ה"י קשה לו, חייב שפיר לברך ולהודות, וכ"כ הציץ אליעזר (ח"ח סימן א' אות ג') [ומטעם זה פסק דאדם הסובל ממחלת עצירת מי-רגלים ל"ע והרופא מכניס שפופרת וע"י השפופרת מכניסים מים לנקותו מבפנים, והמים יוצאים תיכף ומיד מעורב עם מנת מי-רגלים, דשפיר יש לברך וכמו שהאריך בזה בציץ אליעזר בחי"ב סימן ב' ע"ש].

שו"מ להגאון רבי צבי פסח פרנק זצ"ל בשו"ת הר צבי (או"ח סימן ו') שכותב ג"כ בכזאת, דנשאל על כך מת"ח הסובל מעצירת השתן וא"ל לו להטיל מים רק דרך הקטטר אם צריך לברך אשר יצר. והשואל צידד לומר שא"צ לברך אחרי שאינו מטיל מים כדרך כל אדם בלא יסורים והשתן יוצא דרך הקטטר ולא נוגע בבשר. והוא ז"ל השיב לו שבנדון זה ל"ש דין חיציה שתהא מעכבת הברכה בדאמת יש לפעמים שגם דרך הקטטר אין השתן יוצא מפני שנסתם למעלה מהקטטר והשתן אינו יכול להכנס להקטטר ולכן חייב לברך, ומעין זה בשו"ע סימן ו' סעיף י"ד שכ' אין שיעור להשתין מים אפילו לטפה אחת חייב לברך שאם יסתם הנקב מלהוציא הטפה ההיא ה"י קשה לו וחייב להודות, ואף כאן אילו היה נסתם למעלה מן הקטטר ה"י מצטער הרבה וחייב להודות עי"ש. וכ"כ הגר"ש וזאנר שליט"א בשו"ת שבט הלוי (ח"ג ס' צ"ד).

נהגת החולה בברכת אשר יצר

אמנם עדיין צריכין ביאר כיצד יתנהג חולה כזה בברכת אשר יצר ואימתי הוא חייב לברך ברכת אשר יצר- והנה יש חולה שבקטטר שלו נמצא פקק והוא פותח אותו בכל ב' או ג' שעות כדי לרוקן את שלפוחית השתן, ואח"כ שוב סוגר, פשוט שחולה כזה יברך אחרי כל פעולה כזו, וכמ"ש בספר נשמת אברהם.

ויש חולה אחר שהקטטר אצלו קשור לשקית, כן שהשתן נזל תמיד לתוך השקית וצ"ע איך ומתי עליו לברך, (וניראה דרוב חולים משתמשים בקטטר כזו) ואחר עיון מצאתי שכבר נחלקו הפוסקים בזה. דהגאון רבי שלמה זלמן אורבך זצ"ל (הובא בנשמת אברהם הג"ל) סובר דחולה זה יברך רק פעם א' בבוקר בברכת השחר ויכוין להוציא כל היום [1]

אמנם ראיתי בשו"ת ציץ אליעזר שחייב לברך כל פעם מוציא מ"ר ומסיק וז"ל: "ובקטטר מחובר אל כלי זכוכית והמ"ר נוטפין במשך כל הזמן חייב לברך רק בשעה שיפסיק או שתפסק הנטיפה, וכן אותו הדבר כשנוטף בקנה דרך הבטן צריך ג"כ לברך בשעה שיפסיק, כי הרי גם בשם החיבור הוא על השלפוחית, ואם יסתם למעלה מזה, או בכליה, לא יוכל השתן להכנס אל הקנה ולצאת, לכן שפיר חייב להודות".

שוב הגיע לידי שו"ת באר משה ח"ד וראיתי בסימן ז' שהאריך בזה בביאר הדין, וזה תוכן דבריו: "השבתי לו בדואי כשמשירים או כשמחליפים או כשנופל מעצמו ועי"ז פסק האבר מלטפטף מי רגלים בירך ברכת אשר יצר וכו' דהלא כל טפה וטפה צריך לברך כמבואר בשו"ע (סימן ז' ס"ד): ח"ל: אין שיעור להשתין מים, כי אפילו לטפה אחת חייב לברך שאם יסתם הנקב מלהוציא הטפה ההיא יהיה קשה לו וחייב להודות עכ"ל. א"כ אחר שהוטר הקטטר ע"י הרופא או משמש החולים נסתם באמת הנקב

Regarding Techeiles: A Rejoinder

The sugya of the techeiles is a Torah sugya like any other. We have not had techeiles for around 1500 years at this point. The reason is because techeiles is only כשר if it comes from the חלזון, and the חלזון was hidden. The ספרי לשון of the גנוז is that it is לבוא לצדיקים לעתיד לבוא, and the midrashim confirm that תכלת is גנוז.

The Radzyner Rebbe was of the opinion that the חלזון could be found, and lays out his reasons for saying so. It should be noted that these reasons were subject to debate, and were contested by the gedolim of his time. He then set about compiling all of the descriptions of the חלזון throughout חז"ל and the ראשונים, which he laid out in his first ספר, titled שפוני טמוני חול. He then went and found a creature that he felt matched these descriptions, the common cuttlefish, and managed to get a blue dye from it, which he held was כשר תכלת. The גדולים of his time, with few exceptions, did not agree with him. The main reason was that our מסורה is that it is גנוז and to override that, you would need a creature that was clearly correct. The בית הלוי took it a step further saying that really you need a מסורה to properly identify the חלזון. This is how the matter remained with the mainstream view, and the view of this author, that the חלזון has yet to be found.

In the secular world, Biblical scholars and academics as far back as the 1600's had tried to identify the source of תכלת and ארגמן. They did not use our מסורה, instead relying on their history books. They realized that there were only 3 sea-creatures that produced a usable dye. 3 snails that were famously used to make royal purple dyes. They identified these snails as the source of תכלת and ארגמן, as historically these snails produced purples in the range of reddish purple, to bluish purple. Eventually, in the late 18th century, the trunculus was identified as the source of the blue-purple, assumed by the academics to be, in fact, the true color of תכלת.

The Radzyner was well aware of this, but never considered the trunculus. This is likely because the trunculus matches none of the descriptions of the חלזון listed in his ספר based on חז"ל. Around 30 years later, Rav Isaac Herzog wrote his PHD thesis on this very topic, discussing the academic history of the identification of the trunculus as the חלזון, but says this is impossible due to the statements in the גמרא which describe the חלזון.

It should be noted that Rafi Hecht claims "Herzog actually named it the most likely candidate and held back because the color kept coming out purple". Here is the actual quote from Rav Herzog, who, after noting a series of discrepancies between the חלזון and the murex, says: "The first species to occur to the mind is of course Murex trunculus which, if we had no traditional description of the Tekhelet-hillazon, we should not have hesitated for a moment to suggest as the most probable identification." In other words, although from a secular standpoint it should be a good candidate, it does not match the descriptions of the חלזון from the גמרא and ראשונים.

In the 1980's it was discovered that you can kill off the purple element of the trunculus dye, and get a pure blue. You can do this to the other 2 snails and get a pure blue dye. The pure blue, it should be noted, is chemically identical to indigo, and is found in dozens of plants, some rocks, and many of the sea-snails. They declared this was תכלת, and after that, the challenge became to fit the murex into חז"ל. It is obvious how such an approach will lead to disastrous conclusions.

The ברייתא lists 5 סמנים, and the רמב"ם adds a 6th. Understood simply, and is explained as such by the ראשונים, they are as follows; The חלזון has a blue body, it is fishlike, you use its blood to dye תכלת, it rises once every 70 years, and due to it only rising once every 70 years, it was expensive. The רמב"ם adds that its blood is ink-black.

The Murex Trunculus is not blue and neither is its shell. It is a snail and has none of the characteristics of a fish. You use its mucus to dye, not its blood. It never rises, nor does it need to, as it is always accessible along the shallow shore line. It was expensive only because you needed thousands of them to dye the simplest clothing, not because it was difficult to find or trap. Its mucus is colorless.

To these discrepancies, Rafi simply states "Here is something that does not help my side, and I think it is true anyway. After enough years reviewing these simanim, I feel they are a bad metric. With enough creativity, any candidate can be made to fit all five, or none of them."

This is the equivalent of saying "That גמרא was too difficult to understand, so I will base my opinion on something else". In truth these סמנים are truly not difficult to understand, they just don't match the murex. If one does not a priori assume the גמרא is talking about the Murex, the Rishonim's understanding of the גמרא is rather straightforward.

There are numerous other difficulties with the trunculus from our מסורה. However, because the challenge was how to fit an already chosen candidate with the Mesorah, one ends up being forced to fit a square peg in a round hole. One can only hope to either widen the hole or ruin the peg. In our case, since the Murex is the rock solid axiom, it was the Mesorah that was going to take the unfortunate bludgeoning. The results are plain to see. Here are numerous examples from last week's response;

1. The גמרא states that בדיקה אין לה תכלת, and this is questioned by the גמרא as there is a known test to differentiate תכלת from indigo (and other fakes). The גמרא concludes that the ברייתא means you can't test whether the תכלת was dyed לשמה. However you can use the test to determine whether the dye is חלזון dye or a substitute. The issue is both the murex dye and indigo react the same to this test, implying neither is the חלזון. Mr Hecht misunderstand the גמרא and says: "The kushya lands on the Gemara rather than on the snail. Menachos 42b says Techeiles has no bedika (ein lah bedika) and may be bought only from a mumcheh. The [test in the גמרא is for something else]. Indigo passes it. Murex passes it. Bava Metzia 61b already says only the Ribbono Shel Olam can tell the two apart...The difficulty lands on every candidate alike."

If the difficulty lands on every candidate alike, then that is a good indicator we have not found the חלזון. It does not give us a free license to then choose our predisposed favorite.

2. The גמרא says that when extracting the blood, it is לא ניחא ליה for the חלזון to die. This means, as רש"י explains, that the killing of the חלזון has a negative impact on the quality of the dye. All the ראשונים are in agreement that the death of the חלזון has a negative effect on the quality dye, and all propose different ways that the trapper avoided killing the חלזון while obtaining its dye. This matches nothing about the Murex as one of the main extraction methods was to crush the snail wholesale. While there are reports of the dye degrading if it is left out for a long period of time, this has nothing to do with the killing of the animal. In other words, killing the Murex is not an adverse outcome for dye procurement. In order to not be נטילת נשמה for חייב the act of killing itself has to cause an unwanted outcome. Mr Hecht attempts to address this in point 5, but it seems like he did not understand the גמרא, and neglected to see the Rishonim who explain the reason why it is לא ניחא ליה for the חלזון to be killed during extraction.
3. Rafi claims "The Rambam's own taxonomy in Maachalos Assuros 2:12 leaves sea snails among fish". However, the Rambam in that הלכה says the exact opposite. Sea-snails do not have the form of a fish, and are a שרץ, not a דג. Not a single ראשון describes the חלזון as a שרץ.

The minhag of selichos is brought by the Rambam in Hilchos Teshuvah (3:4) who seems to assigns it to Aseres Yemei Teshuvah specifically. However, the Mechaber (O.C. 581:1) cites only the opinion to begin at the start of Elul, and this is the practice among Sephardic communities generally.

The Tur (ibid.) brings a third opinion: to begin on the Sunday before Rosh Hashanah (or the Sunday before that, if fewer than four days of selichos would otherwise precede Rosh Hashanah). The Rama records this as the prevailing minhag in Ashkenaz.

The Significance of These Starting Points

The minhag of beginning at the start of Elul is straightforward. The forty days from Rosh Chodesh Elul through Yom Kippur are *yemei ratzon*, corresponding to the days when Moshe ascended Har Sinai for the third and final time to seek atonement for Klal Yisrael — atonement that Hashem granted at the end of that period, on Yom Kippur. So too, *l'doros*, we invoke this same *middas harachamim* in force during this period, culminating each year in our own mechilah on Yom Kippur.

But what of the minhag Ashkenaz — why the Sunday before Rosh Hashanah?

The Ran in Meseches Rosh Hashanah (3a) has a fundamental discussion about Rosh Hashana. The Mishnah (Rosh Hashanah 1a) famously teaches that the world is judged at four points in the year: on Pesach, regarding grain; on Shavuot, regarding fruits; on Rosh Hashanah, when all creatures pass before Hashem like sheep; and on Sukkot, regarding water. The judgments of grain, fruit, and water correspond naturally to those points in the agricultural calendar. But what connects the judgment of Rosh Hashanah to the first of Tishrei specifically?

The Ran brings a midrash in which Rabi Eliezer states that the world was created on the 25th of Elul. Since creation took six days, the first of Tishrei was the sixth day — the day Adam was created, marking the beginning of man's existence. It was also the day of *cheit eitz hada'as*, and the day Adam did teshuvah for that sin and was granted forgiveness. (Accordingly, Rabi Eliezer's statement in the Gemara (Rosh Hashana 8a) — that the first of Tishrei is “the day of creation” refers to the completion of creation, not its start.) For this reason, explains the Ran, Hashem established this day as the day of judgment for all time, as a *simman* for the acceptance of teshuva.

The Ran then notes that the minhag in Barcelona followed exactly this: they used to begin *selichos* on the 25th of Elul, the anniversary of *maaseh bereishis*.

The Gra (Orach Chaim 581) explains the minhag Ashkenaz on this basis. The intent is to begin *selichos* on the day creation began, the 25th of Elul; but rather than fix it to a calendar date (which could sometimes fall on Shabbos), the minhag fixes it instead to the day of the week on which creation began – Sunday, which is also closest to the 25th of Elul.

According to Rabi Yehoshua (Rosh Hashana 8a), who holds that the world was created on the first of Nissan, the Ran notes that the 25th of Elul carries no significance. He cites the minhag of Gerona, where selichos are not said at all before Rosh Hashanah and explains that they follow Rabi Yehoshua (though the minhag of beginning at the start of Elul can also be reconciled with Rabi Yehoshua's Shittah).

Following the Ran's logic, the Gra recognizes the machalokes Rabi Eliezer and Rabi Yehoshua as root behind the difference in minhag between Ashkenaz and Sefard.

Additional Reasons

Other explanations are offered as well. The Leket Yosher (O.C. pg. 118) writes that three days of *hachanah* are required, similar to the *sheloshes yemei hagbalah* before Matan Torah. Beginning on Sunday keeps the start as close as possible to Shabbos, a day on which people are naturally more attuned to teshuvah, when their minds are unburdened by weekday concerns.

Another reason given (see Mishna Brurah ibid. 6) is related to the minhag of fasting throughout Aseres Yemei Teshuvah. Since fasting cannot be observed on Rosh Hashana, Shabbos, and Erev Yom Kippur, these four days are made up beforehand, and came to be established as *yemei selichos*.

Minhag Chabad

Unlike most kehillos of Ashkenaz, who continue selichos through Yom Kippur and even add to them during *aseres yemei teshuvah* in Chabad, *selichos* are not said after Rosh Hashanah. The Rebbe Rayatz (Sichos, Tishrei 5708, pg. 253) relates that the Tzemach Tzedek was once asked why he remained home while others went to say *selichos* during *aseres yemei teshuvah*. His answer, brief but setting the tone for the entire period, was: “There is a time for saying; there is a time for doing.” Once Rosh Hashanah has passed, the time for *saying* is over, now is the time for *action*.

מלהוציא הטפה, וא”כ חייב להודות לה’ על הטבע שהטביע הקב”ה בבריאה לנקות הגוף ע”י הוצאת המי רגלים, היינו על מה שיצאו עד עתה, ומה שיצאו אח”כ אחר שיחזיר הרופא הקטטר הוא מעשה בפנ”ע. אבל נראה לי שאם הקטטר אינו מונח היטב בנקב האבר – וזה דבר הרגיל להתהוות – והחולה בעצמו מוציא הקטטר מהנקב כדי להחזירו תיכף ומיד בלא שום שהי’ אז בודאי לא יברך כלל רק לבסוף כשהרופא יוציאנו וינקה הכל ויבדוק גופו ומחלתו וכו’. אולם אם כשהרופא מוציא הקטטר או כשנפל מרגיש בעצמו שצריך להוציא מי רגלים אז לא יברך רק לבסוף”, עכת”ד.

[1] ועיין בשו”ת תשובות והנהגות ח”ג סימן ס’ ומה שכתב בזה.

Someone Left an Umbrella In My Office. What is My Obligation?

| Rav Baruch Fried

Question: I noticed that someone left an umbrella in my office's coat room and it has been sitting there for some time. I assume that whoever left it there will eventually return to claim it. In the meantime, is there a mitzvah of Hashavas Aveidah for me to return it to him?

Answer: Many people assume that any time they can be of assistance to someone else, it is a mitzvah of Hashavas Aveidah for them to do so. That's not quite true.

An aveidah is defined as something that will definitely result in a monetary loss to the owner if it is not returned (“bari hezeikah”). This is seen from the Gemara that says that if returning an aveidah causes the finder to have a monetary loss, he can ask the owner of the object to reimburse him. Tosafos asks why this is so. There is a rule in the Gemara that if someone is “mavriach ari”, which means that he steps in and saves his friend from potential future harm, his friend does not have to pay him because he can claim that it is not definite that any loss would have occurred even without his help. If so, why does the owner have to reimburse the finder in the case of an aveidah?

Tosafos answers that the rule of mavriach ari only applies in a case of potential loss, whereas Hashavas Aveidah is a case where a definite loss will occur if the finder doesn't return the object.

If an umbrella is left in an office and the owner may return on his own to get it, there is no definite loss to him if the umbrella is not returned to him. While it might be a nice gesture to bring him his umbrella before the next rainstorm, it is not a mitzvah of Hashavas Aveidah unless one knows that unless it is returned to him, he will never come on his own to claim it.

Am I obligated to Inform My Neighbour That Their Lights Were Left On?

Question: Someone is walking down the street and sees that his neighbor's floodlights are on in the middle of the day. Is he obligated to knock on his door to inform him of this so that the homeowner doesn't suffer an unnecessary loss of money?

Answer: This is a unique case of Hashavas Aveidah in the sense no item is being lost; rather, an expense is being incurred.

It's worth noting that cases like this are often in the category of aveidah m'daas, because people often are aware of things like this and simply don't care. If it is known to be a case of aveidah m'daas, you don't have to mix in.

If, however, it appears to be a situation where the neighbor forgot to turn off his outdoor lights, this would fall under the category of “aveidas karka”. The Gemara derives from a pasuk that if floodwaters are surging toward someone's field, an observer is obligated to make a fence to dam up the incoming water in order to save his friend's field. No item is being lost in this case, but one still has an obligation of Hashavas Aveidah to prevent a future loss.

This rule would apply in the case in question as well. The Aruch Hashulchan says that aveidas karka applies to all forms of loss, and one should get involved to save his friend from any such loss.

This specific case is a little more complex because one could argue that every second of light is worth less than a perutah, which is not obligated in hashavas aveidah. I think that common sense would dictate that this is an ongoing loss of money and one would be obligated to inform his neighbor that his lights are on in order to save him money.

4. Rashi explains the bracha of זבולון mentioned in גמרא מגילה דף ו' that anyone who fishes the chilazon without paying זבולון, will not find success for his business as the dyes won't work. Considering the most booming of all Murex trades was done by gentile state of Tyre which was not חלק זבולון, this גמרא is another question on the murex. So Rafi answers: "Megillah 6a is a bracha on Zevulun's parnassah, and nobody has ever asked a dyer for a yichus letter before buying strings."

To say that the גמרא was some sort of general bracha on the parnasa of זבולון is incorrect. It was a very specific ברכה on stopping outside interference with זבולון's פרנסה. One that is very hard to square with what we know about the Murex.

5. The גמרא identifies לוז as the city where תכלת is dyed. This does not match up with the dyeing sites of the Murex as they are many and are scattered all over the Mediterranean coast. To address this discrepancy, Rafi writes: "As for Luz, the Ben Yehoyada on Sotah 46b explains that its air let the color take well, which makes it the best place for dyeing rather than the only one."

This would help bridge the gap if not for the fact that the Ben Yehoyada says no such thing. What the Ben Yehoyada is coming to answer is the following question, if the חלזון is found in זבולון's portion, why is the dyeing done elsewhere. To this he answers that the air was better for dyeing in לוז. Nowhere does he imply that the dyeing is done in other places, as there is no such implication anywhere in our Mesorah. In fact, if anything the implication is the opposite, as if the חלזון is dyed all over, why is it so problematic that it is also dyed in לוז? The תנא דבי אליהו says that לוז is where תכלת was dyed for ישראל כל.

6. The ספרי states that Reb Yosi asked a man who claimed to make his פרנסה from the חלזון how this was possible. "Can the חלזון be found?". The man replies that the חלזון is in a difficult to reach spot, and is surrounded by poisonous spiders that kill any who approach it. Reb Yosi realizes that it is לגנוז לצדיקים לעתיד לבא. The implication from this ספרי is twofold. One, the חלזון at the time of Reb Yosi was not commonly found. Two, the חלזון was hidden away for the future. Neither match with the murex as the murex was not difficult to find in the 2nd century, nor is it hidden לבוא לעתיד. This is how this source is presented by Rafi: "the old man who told R' Yosi it could not be had because of the danger was also selling that same Techeiles for a living at that moment".

This was meant to give the impression that גנוז could mean available but dangerous to get because of decree. In reality, the source says the חלזון at the time could not be found. It was only found by an old man in a hidden place protected by poisonous creatures. This can be called גנוז. The most-widely available sea creature in the dyeing industry cannot.

7. Hecht suggest there is a מחלוקת between the Rashi and Yad Rama if the חלזון did actually go up every 70 years. In reality, the יד רמה is only disagreeing if the חלזון mentioned in סנהדרין is התכלת because of the fact that the גמרא is difficult to understand as talking about a creature that rises so infrequently. The basis of the יד רמה's disagreement is that he took for a fact that the התכלת חלזון did in fact rise in such an infrequent manner.

8. Additionally he claims "The living trunculus underwater looks greenish and hard to pick out. The Sefer Yetzirah commentary attributed to the Raavad reads it so". There is no such Raaved, and where the Raaved discusses the חלזון it is מוכח he does not hold it was a snail.

9. Hecht acknowledges that "Gufo domeh l'yam. Everyone reads this as color." By which he means the Rishonim and Achronim. This did not stop him from brushing this aside to suggest his own interpretation, which is that ים actually refers to the seabed, not the sea itself. The only compulsion for such a decision was the fact that the Murex does not match the Rishonim

10. Rafi brings רב שמואל בר חפני as an example of a גאון that brings the halachos of techeiles. He uses this as proof that in רב שמואל בר חפני's time תכלת was still being used despite numerous midrashim stating it had been גנוז. What he

neglects to mention is that רב שמואל בר חפני also states that this is when the תכלת was found. The implication obviously being that it was not currently found.

Furthermore, when talking about the חלזון the גאון writes in the past tense: "ובאה" "אלינו הידיעה שהיה נצבע בדם בעל חיים מימי שנקרא חלזון" Nor does he mention the words of רב שמואל בר חפני who lived 100 years before חפני: "כשהיה תכלת ביד ישראל כשהיו מטילין ציצית לבגד כך היו עושין"

Again, the clear implication being there was no תכלת in his time. He lived at the same time as רב נטרנאי גאון and was also discussing תכלת הלכת when he made this statement.

The same confusion with the רמב"ן quoting the רמב"ן that kings in his day wore תכלת. This is certainly true. Blue was a royal color in the times of the רמב"ן. However, the ציצית תכלת is a special blue that require the חלזון. It is this תכלת that the מלחמת רמב"ן states: "אנו צריכין להטיל" "לבן"

And for the grand finale, the same trick is attempted with the רמב"ם, where the fantastic claim is made that the רמב"ם himself found the fish. This again is an odd contention when one throws in the fact that the רמב"ם's son himself writes that we do not know the identify of the חלזון.

These are just some of the many examples from his piece and are highly reflective of a methodology that is primarily based outside of our tradition. Being as the main thrust from the murex camp is from academia, it is כדאי to quickly sum up the reality there. After all, the real reason that murex proponents butcher the סוגיא is because they feel forced to from the academic 'proofs'.

The trunculus was one of 3 snails used in ancient dyeing. It was used in combination with the other snails to make the prized Tyrian Purple, and on it's own to make a blue purple dye. The royalty in Rome loved it, and the Senate all wore the murex dyes. During the time of the גמרא, the Emperor made decrees that commoners could not wear duplicates of the royal garb, this being an entire robe dyed with murex. Sometimes the decrees included even a full robe of imitation purple. They even made Tyrian dye shops, the shops that produced the most beautiful shade of deep red purple, Imperial property. These snails were so famous, they are all over the coins from Tyre, and throughout the Roman Empire.

This famous creature is the חלזון that בעלי מסורה completely lost track of. Not a single decree should have stopped us from producing a pure blue dye from the trunculus in our own dye shops. Which is why there is not a single source that there were any decrees against תכלת in our מסורה, but many historical sources that there were decrees against using murex.

Not only this, but until the 1400's (earliest 1200s) the trunculus was being used as a dye in the Roman Empire. This is 800 years after the חלזון disappeared. How could the ראשונים and גאונים not realize that the trunculus was the חלזון? How could they have lost such an obvious מסורה. If there are only 3 options as to what the חלזון could possibly be, and one of them matches the סמנים listed in the ברייתא, then it would have been identified.

So, from a historical perspective the trunculus was an incredibly famous sea-creature that was used to produce a purple dye 800 years after the חלזון went missing. It does not look like the חלזון, it did not get lost when the חלזון did, it did not produce the same color as תכלת, it doesn't have the same הלכות as the חלזון. Perhaps we can conclude that it was not the חלזון.

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