



OVERVIEW of the Daf

1) Clarifying R' Shimon's position (cont.)

A Baraisa is cited that demonstrates R' Shimon's position regarding something that stands to be redeemed.

The Gemara questions why Reish Lakish did not accept R' Yochanan's explanation of R' Shimon's position.

After explaining why Reish Lakish rejected R' Yochanan's position the Gemara connects this dispute between Reish Lakish and R' Yochanan with another dispute they have.

R' Yochanan challenges Reish Lakish's position.

Reish Lakish defends his position but his defense is rejected and the Gemara notes that R' Yochanan raised an issue that is difficult for Reish Lakish to explain.

2) Paying 'ד' וה' for a crossbreed

The Gemara questions the Gemara's ruling that 'ד' וה' is not paid for a crossbreed.

It is suggested that the word או is meant to include.

The assertion that the term או is meant to include is challenged.

Rava explains that the definition of the term depends on the context. ■

REVIEW and Remember

1. Why does a slaughtered parah adumah transmit tumah of foods?

2. What are the consistent opinions held by R' Yochanan and Reish Lakish?

3. What is the difficulty the Gemara has with Reish Lakish's opinion?

4. Does the word או include or exclude?

Today's Daf Digest is dedicated
 l'ilui nishmas
 ר' יעקב יוסף בן ר' שרגא פייוול
 By the Weinberger family, Brooklyn, N.Y.

Distinctive INSIGHT

Slaughtering or selling a tereifa or cross bred animal גנב כלאים וטבחה

Reish Lakish presented a היקש - an association - based upon the proximity of the words ומכרו and וטבחו (in Shemos 21:37). The lesson is that a thief is only liable for multiple payments when he slaughters an animal if he would theoretically be liable if he would have sold it. For example, let us consider a thief who slaughters an animal of קדשים תמימים in the courtyard of the Beis Hamikdash. Here, there is no possibility of selling the animal, because even if the thief would attempt to do so, the animal would remain הקדש. Now that selling this animal cannot result in multiple payments, the case of slaughtering the animal will also not result in multiple payments.

Rav Yochanan, however, does not agree that the meaning of the juxtaposition of these words teaches this היקש, and it is not necessary for an animal to be eligible for both selling and slaughter in order for one of these possibilities to apply.

Rav Yochanan questions Reish Lakish from a Baraisa which states that if someone steals a cross-bred animal and slaughters it or if he steals a tereifa and sells it, he must pay the penalty of four or five-fold. In the case of tereifa, according to R' Shimon slaughtering is not valid and would not incur multiple payments, as it would be a שאינה ראויה, but yet selling it does incur the payment of four or five.

As far as the case of כלאים, Rashi explains that we are speaking about an animal born from a lamb and goat (כבשה ותיש). Rambam (Geneiva 2:9) explains that the animal is מן השה וממין אחר—a product of a sheep and another species”. The Achronim discuss whether Rashi and Rambam disagree. חסדי דוד explains that Rashi is of the opinion that because the requirement to pay four or five only applies to a sheep, goat or ox (בהמה), this cross bred animal must be of a sheep and another type of בהמה. If it would be from a sheep and חיה, it would no longer be a type of sheep. Rambam, however, holds that fourfold is paid even from a sheep/חיה product. This is based upon the words of Rav Nachman from 71b, who learns חמשה בקר—even five

(Continued on page 2)

HALACHAH Highlight

Water that has a changed appearance

כל העומד לפדות כפדוי דמי

Anything that stands to be redeemed is treated as if was already redeemed

Teshuvos Minchas Yitzchok¹ was asked whether it is permitted to wash one's hands with water such that when it comes out of the faucet it has a white cloud and after a few seconds the cloud clears up and the water returns to its natural clear appearance. The issue at hand is whether the cloudy water is considered to be water that has undergone a change of appearance (שינוי מראה) or not. His conclusion is that l'chatchilah one should wait the few seconds necessary for the cloud in the water to dissipate but if a person did not wait it is unnecessary for him to wash a second time.

Teshuvos L'horos Nossan² was asked a similar question related to a substance that is added to water to prevent disease that clouds up the water but after some time settles at the bottom of the cup leaving the water clear. In his discussion of the matter he cites authorities who discuss whether water that has a changed appearance due to dirt is considered to be a real change of appearance. Another angle that he takes in his analysis comes from our

(Insight. Continued from page 1)

half-oxen (אפילו חצאי בקר)

Minchas Chinuch (Mitzvah 54, #28) explains that Rambam agrees with Rashi, and when he writes מין אחר it refers to בהמה. ■

Gemara. R' Shimon states that something that is prepared to be thrown is considered as if it was already thrown and Chasam Sofer extends this principle to mean that anytime an additional action is not needed and the desired result will happen on its own, it can be considered as if it already completed. Accordingly, since this substance will settle on its own at the bottom of the cup it could be considered as if it has already settled and it would be permitted to use this water for ritual washing.

Teshuvos L'horos Nossan then expresses hesitation since Tosafos³ asserts the principle, "something that will be done is treated as if it was already completed," cannot be applied to consider a living animal as if it is already edible. Accordingly, if the cloudy water loses its status as water the principle cannot be invoked to consider this mixture to be water and restore its status of a food. His final conclusion, however, is that cloudy water that will clear up on its own may be used for netilas yadayim even l'chatchilah. ■

1. שו"ת מנחת יצחק ח"ט סי' י"ג

2. שו"ת להורות נתן ח"ד סי' ח'

3. תוס' ד"ה פרה מטמא ■

STORIES Off the Daf

A love of Torah

פרה מטמא

The love for Torah displayed by the Ponevezher Rav, zt"l was legendary. He was known for his absolute hasmadoh as well as his great erudition. He was an exceptional mechadesh even by European standards, which were quite high. Most conversations with him would invariably be drawn to Torah. If the person conversing with him learned Gemara, he would ask on which daf he was presently holding and either ask to hear a chiddush from him, or would instead

share a thought of his own.

It is well known that he held that bekiyus was one of the keys to becoming a true mechadesh. When he saw the pace of the yeshivos under his tutelage he would become very upset and say, "We are raising ignoramus-ess!"

Like many roshei yeshiva, much of his time was occupied with fundraising. Although he had a huge number of projects in mind that he felt would enhance the Torah world, he felt hampered by the difficulty he had raising even the minimum for the many projects he had already undertaken. Understandably, when he had a very successful trip he was very glad and would share his satisfaction with others.

Once, when he returned from a lucrative trip, he entered the crowded beis medrash in a exuberant mood and declared, "The first bochur who can recite an amud by heart right now will get a big gift from me!"

A certain clever young man immediately rattled off the entire text of פרה מטמא טומאת—אוכלין הואיל והיתה לה שעת הכושר A parah adumah receives ritual impurity like a food item, since there was a point when it was suitable to be eaten."

Rav Kahaneman was so delighted that he gave him the prize regardless of the brevity of the daf!¹ ■

1. שמעתי מדודי הרב שמחה לייב גולשבקי ז"ל שהיה תלמידו של הרב מפונוויז'