

## OVERVIEW of the Daf

### 1) Taking security for a loan (cont.)

The Gemara concludes its unsuccessful challenge to R' Yochanan's assertion that if the borrower died while in possession of the object taken for security the lender may take that object away from the heirs.

A Baraisa is cited that develops the prohibition against taking an object as security for a loan from the borrower's house.

2) **MISHNAH:** The Mishnah rules that one may not take an object as security for a loan from a widow.

### 3) Taking an object as security from a widow

A Baraisa presents a dispute between R' Yehudah and R' Shimon whether security may be taken from a rich widow.

It is noted that both opinions seemingly contradict themselves concerning the question of deriving halachos based on the rationale of a pasuk.

The Gemara resolves both contradictions.

4) **MISHNAH:** The Mishnah lists certain items that may not be taken as security for a loan.

### 5) Prohibitions violated for taking a millstone as security

R' Huna and R' Yehudah disagree how many prohibitions are violated when a person takes a millstone as security for a loan.

It is suggested that a dispute between Abaye and Rava parallels the disagreement between R' Huna and R' Yehudah.

Rava explains how his opinion is consistent with both R' Huna and R' Yehudah.

Abaye begins to explain how his opinion is also consistent with both R' Huna and R' Yehudah. ■

## REVIEW and Remember

1. What is the point of dispute between R' Yehudah and R' Shimon?  
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2. What is the point of dispute between R' Huna and R' Yehudah?  
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3. Explain לאו שבכללות?  
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4. How does Rava explain that his position is consistent with R' Huna and R' Yehuda?  
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## Distinctive INSIGHT

What is an "all-inclusive prohibition—לאו שבכללות" ?

אין לוקין על לאו שבכללות

Ramban explains that there are three categories which fall under the category of לאו שבכללות—a comprehensive and inclusive prohibition.

One category is where a single verse contains a phrase which encompasses several negative commands. For example, the verse states (Vayikra 19:26) "Do not eat together with blood." Our sages teach that many laws are included in this verse, such as not eating meat from an animal until the animal dies (even if the animal has been slaughtered and a limb is cut off, it may take a few moments before the animal dies). We also learn from here that the court may not eat on a day they are judging a capital case. Another law derived from this verse is that it is prohibited for a young man to become a stubborn and incorrigible son (בן סורר ומורה). No lashes are meted out for anyone who violates any of these prohibitions, as these sins are not similar to the sin of muzzling an animal which is the prototype of a case where lashes are appropriate.

Another category of לאו שבכללות is where two distinct prohibitions are listed in one verse, one after the other, but under one listing. For example, in Devarim 23:19 the Torah prohibits bringing an offering from an animal which was a gift for a זונה or an animal given as payment to buy a dog. In this case, lashes may be administered for violation of either prohibition, but if both sins are committed, only one set of lashes would be given. In this context, the rule would be that we cannot give two sets of lashes for one category of prohibition, i.e. when they are both listed in the same verse and two variations of the same sin.

A third example of this rule is one sin which has many details which comprise the varying ways of violating the mitzvah. For example, the korban Pesach must be eaten roasted (Shemos 12:9), and the verse continues to detail that it may not be eaten raw or boiled.

In these cases, Rava holds that lashes are given, while Abaye contends that no lashes are administered. The Gemara (Pesachim 41b) offers two approaches. One is that we do not give two sets of lashes, but we do give one set. Ac-

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 In loving memory of their father  
 ר' משה בן ר' זלמן טובי, ע"ה

# HALACHAH Highlight

## Exploring the rationale behind the mitzvos

דריש טעמה דקרא

He expounds the rationale of the verse

Tosafos<sup>1</sup> asserts that the disagreement between R' Yehudah and R' Shimon whether we are authorized to exposit the reasons of the Torah (דורשים טעמה דקרא) applies only when it will have a practical application in halacha but where there is no ramification in terms of halacha there is no dispute. Later commentators disagree about the meaning of this assertion. Maharam<sup>2</sup> explains that when the reason will not produce a practical difference in halacha even R' Yehudah agrees that we may exposit the reason of the Torah. Minchas Chinuch<sup>3</sup>, however, explains Tosafos in the opposite manner. He asserts that according to Tosafos when there is no practical outcome in halacha even R' Shimon agrees that we do not exposit the reasoning of the Torah. The reason behind this approach begins with the perspective that the ways of the Torah are deep beyond our perception and we do not grasp any more than a drop of the sea. When expositing the Torah for practical halacha it falls into the category of הנגלות לנו ולבנינו – The revealed are for us and our children and is permitted. When there is no practical outcome in halacha the reasoning behind the mitzvos is beyond our grasp.

Related to this matter is the dispute whether it is worth-

(Insight...continued from page 1)

ingly, Rava would be of the opinion that two sets of lashes are given. The second approach is that not even one set of lashes is given. The way this particular type of prohibition is presented is not similar to the prototypical prohibition of muzzling an animal (לאו דחסימה) where the punishment of lashes is written. ■

while to pursue the rationale behind mitzvos. Rambam<sup>4</sup> writes that it is worthwhile for each person to contemplate the laws of the Torah to understand them to the best of his ability. He cautions, though, that even when a person does not discover a good reason for a mitzvah he must not allow that to lead him to treat that mitzvah lightly. Tur<sup>5</sup> writes that it is not our job to seek out the reason for mitzvos since they are decrees of the king incumbent upon us to fulfill even when we do not know the rationale. Beis Yosef<sup>6</sup> explains that Rambam follows the approach of R' Shimon and whenever we can find a rationale for a mitzvah we should pursue that approach but agrees that if, due to our limited minds, we do not find a rationale that should not be the cause for becoming dismissive of the mitzvah since they are decrees from the king. ■

1. תוס' גיטין מ"ט: ד: ה' ור"ש.
2. מהר"ם על התוס' הנ"ל.
3. מנחת חינוך מצוה תס"ד אות ד' בקומץ מנחה.
4. רמב"ם פ"ח מהל' מעילה ה"ח.
5. טור יו"ד סי' קפ"א.
6. בית יוסף שם ד"ה ומה שאמר. ■

# STORIES Off the Daf

## The widow's comfort

"אלמנה בין שהיא ענייה בין שהיא עשירה..."

On today's daf we find that one should not take a security from a widow, whether she is poor or wealthy.

A certain widow wished to show Rav Shlomo Zalman Auerbach, zt"l, her appreciation, but she was not certain how to go about this. After some thought she decided that whenever a new fruit was first introduced into the market she would buy him some to show how much she valued all of his help and emotional support.

Often, of course, fruits first coming

into season are exorbitantly expensive and the widow was receiving public funds. A certain student felt that it was not right for her to use the money to purchase something that he knew Rav Shlomo Zalman had no need or interest in. After all, when had he ever eaten a new fruit before it already was well in season and cheap? But when this person, who was very close to Rav Shlomo Zalman, asked what possible need was there for the widow to use money from tzedakah to purchase luxuriously expensive fruit, the rav got very upset with him.

"We are talking about a widow who has been broken by her bitter lot in life. The one thing which gives her pleasure in this world is to purchase expensive

fruits for my use—and you wish to rob her even of this little enjoyment?"<sup>1</sup>

On another occasion, a different widow came to him to ask what the best way was for her to give her deceased husband's soul an aliyah in Gan Eden. His answer astonished her.

Rav Shlomo Zalman said, "Listen carefully to what I am about to tell you. Go out and buy your orphaned children toys that they will enjoy and make sure to find time to go out on trips with them. This is the best possible elevation you can make for your husband's soul. Do your best to forget about your mourning and make your four children happy!"<sup>2</sup> ■

1. חכו ממתקים, ע' א'
2. שם, ע' ג' ■