

This month's Daf Digest is dedicated
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L'iluy Nishmas שרגא פייוול דוד בן קמואל
By the Abramowitz family

OVERVIEW of the Daf

1) General rules

R' Yochanan states: We can not learn from general rules even when the rule concludes by saying "except."

Three examples of this principle are cited the third coming from our Mishnah.

2) Salt and water

R' Elazar and R' Yosi bar Chanina disagree whether salt and water mixed together constitute a food in the context of the halachos of eiruv techumin or ma'aser sheni. The opinion that holds that saltwater is a food for ma'aser, which is Biblical, certainly holds that it is a food for eiruv purposes but the reverse is not true.

The view that maintains saltwater is a food for ma'aser sheni purposes is unsuccessfully challenged.

3) "Inclusion" - הכללה

To answer the Gemara's unsuccessful challenge the concept of "inclusion" was introduced. A Baraisa cites the teaching of Ben Bag Bag regarding the source of this halacha.

R' Yochanan takes issue with part of Ben Bag Bag's teaching.

4) The use of ma'aser sheni funds to purchase fish

A dispute between Tannaim regarding the use of ma'aser sheni funds to purchase fish is cited. The basis of the dispute is whether the Torah should be expounded using the method of amplifications and limitations—רבווי ומיעוטי, or generalizations and specifications—כללי ופרטי.

Two Baraisos that subscribe to the later opinion are cited and Abaye explains that the point of dispute between the two Baraisos is whether fish may be purchased with ma'aser sheni funds. ■

Distinctive INSIGHT

Women are exempt from time-oriented Mitzvos

הרי מצה שמחה והקהל דמצות עשה שהזמו גרמא הוא ונשים חייבות

The Gemara features the mitzvah of eating matza the first night of Pesach, the mitzvah of being festive on the holidays, and the mitzvah of attending the gathering known as "הקהל", when the entire Jewish nation gathers to hear the King read Sefer Devarim on Sukkos following the Shemitta year.

These three mitzvos are time-oriented mitzvos, which, as a rule, are types which women are exempt from performing. However, in each of these cases, the verse specifically comes to include women and to therefore obligate women to do them. In reference to matza, the Torah associates the eating of matza with the prohibition of eating chometz. Anyone included in the prohibition not to eat chometz is thereby included in the mitzvah to eat matza. This includes women.

The mitzvah of being festive is written in terms of the entire family (ושמחת אתה וביתך, where ביתך refers to one's wife). There are those (Rashi and Tosafos, Kiddushin 34b) who understand that women do not have their own intrinsic obligation to rejoice on the festivals, but it is rather an obligation incumbent upon the husband to provide her with things that make her happy. Nevertheless, our Gemara suggests that the obligation is directly upon the woman herself.

The mitzvah of "Hakhel" explicitly mentions women—הנשים והטף. The Gemara in Kiddushin 35a learns from our Gemara that because we find women mentioned in these three places specifically, we learn that the general rule is that women are exempt from positive mitzvos which are time-oriented. ■

Gemara GEM

Salt, water and oil for Ma'aer and for Eiruv

כי אתא ר' יצחק מתני אמעשר

The Gemara had said that salt or water each by themselves cannot be used to be used as an eiruv, or that they cannot be individually bought with ma'aser money. Some hold that they cannot be used for either an eiruv or to be purchased with ma'aser money. However, when they are combined together they form a food which may be used. To this, the Gemara reports that R' Yitzchok learned that the proper lesson about salt or water is in reference to ma'aser. This means that the combination of salt and water may be purchased with ma'aser money, and it also may be used for an eiruv.

As the Gemara continue, R' Yosef proves that the blend of salt and water in fact cannot be used, unless oil is added to the mixture as well. The explanation for this is that the only commodity which may be bought with ma'aser money is a פרי. Oil is a פרי, and when it is added to a salt and water mixture, the entire blend is now considered to be a פרי.

Maharam points out that now that the Gemara permits the purchase of salt and water due to the presence of oil in the mixture, we no longer have to refer just to a blend of the two which has oil. In fact, salt alone or water alone, each which has oil added to it, could also be considered as a פרי due to the oil content. Yet, the reason the Gemara earlier mentioned that we can only allow salt or

REVIEW and Remember

1. Which positive time bound mitzvos are obligatory for women?
2. Why, according to one opinion, may one not use maser sheni funds for the purchase of saltwater?
3. What did R' Yochanan offer to the one who could explain to him Ben Bag Bag's teaching?
4. Which is more inclusive כללי ופרטי or רבוי ומיעוטי?

water when they are combined is that it is unusual to add oil to salt alone or water alone. However, when we have salt water, it is common to then add oil. This mixture can then, in fact, be purchased with ma'aser money because the entire product is now viewed as being a פרי.

Sfas Emes deals with the amount of oil which must be added before this blend can be defined as a פרי. He says that he feels that a majority of the blend must be oil, although the expression שנתן לתוכו - "he put oil into it" does suggest that all that has to be done is to add a small amount of oil.

Sha'ar Hatziyun (386:#28) says that from Tosafos (ד"ה אבל) the amount of oil which must be added seems to be the amount needed for two meals. Nevertheless, he notes that from the Gemara later it seems that all that is needed is a revi'is. ■

Distinctive INSIGHT

We do not extrapolate from generalizations

אמר רבי יוחנן אין למידין חן הכללות ואפילו במקום שנאמר בו חוץ

Later authorities clarify the parameter of this principle, and many of the sources are cited by R' Yosef Engel in Gilyonei HaShas here. For example:

1. This principle only applies when and where Chazal themselves

applied it. Hence, we cannot apply it to ourselves. Thus, Teshuvos Radbaz (2:652) states that he cannot apply any limitations to the generalization that a prophet can override the laws of the Torah on an ad hoc basis (hora'as sha'ah) other than the limitation stated by Chazal themselves, that it does not apply in cases of idolatry.

2. This principle applies not only to generalizations that appear in mishnayos, but also to generalizations that appear in gemaros. Thus, Teshuvos Ri MiGash(#81) states that the

Gemara's generalization that the law is in accordance with Rabban Shimon ben Gamliel in any mishnah in which he is cited excepted for three cases is not to be taken as definitive.

3. This principle only applies to Talmudic sources. Thus, Teshuvos Chacham Tzvi (#55) states that it is not applicable to generalizations that appear in later Halachic works. Accordingly, we are permitted to extrapolate from the generalizations of the Poskim. ■