



This month's Daf Digest is dedicated
L'iluy Nishmas Mrs. Yenta Weiss, Rivke Yenta bas Asher Anshel & Yosef ben Chaim HaCohen Weiss
By Mr. and Mrs. Manny Weiss
L'iluy Nishmas שרגא פייוול דוד בן קמואל
By the Abramowitz family

OVERVIEW of the Daf

1) Clarifying R' Yehudah's opinion (cont.)

Ulah maintains that R' Yehudah's opinion as recorded in the Mishnah accepting the principle of bereirah is correct and not Ayo's version and reinterprets the Mishnah to be consistent with his view.

2) Clarifying R' Yosi's opinion

An inconsistency in R' Yosi's opinion is noted regarding his position on bereirah.

Rabbah explains that R' Yosi rejects the principle of bereirah and re-explains the conflicting source.

Two more baraisos are cited that indicate that R' Yosi accepts the principle of bereirah and the Gemara responds each time to reverse the names to remain consistent with R' Yosi's position as cited in the Mishnah where he rejects the principle of bereirah. Additionally, the Gemara explains why it is more correct to reverse the names in the two Baraisos rather than reverse the names in the Mishnah.

3) Bereirah in cases of Rabbinical law

Rava asked R' Nachman which Tanna could be the author of an opinion cited in a Baraisa that rejects bereirah even in cases of Rabbinical law.

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REVIEW and Remember

1. Why is it permitted to drink for the barrel of wine without first separating terumah?

2. Who has the ability to determine which bird is a chatas and which bird is an olah?

3. Is it possible for one to accept the principle of bereirah in some cases and not in others?

4. Explain בעיני ראשית ששיריה ניכרין.

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By Dr. and Mrs. Merrill Zahrt
In loving memory of their father
ר' חיים אלטער בן ר' יחזקאל, ע"ה

Distinctive Insight

"Bereirah" in the case of birds

אלא או בלקיחת בעלים או בעשיית כהן

The Gemara attempts to bring a proof that Rav Yossi is of the opinion that we use the concept of "ברירה", and that we use later knowledge retroactively to determine legal status of situations. Here, two women purchase birds jointly to each offer a chattas and an olah, and they give the birds to the kohen without designating which bird is for which offering. The law is that the kohen's selecting of the birds as he chooses is valid, ostensibly because we view the outcome as being retroactively what the women themselves had in mind—a clear application of ברירה.

The Gemara deflects this proof by saying that the ruling of this Mishnah is in a case where the women specifically stated a condition allowing the kohen to designate the birds for them, and the novelty of the ruling is using the insight of Rav Chisda, who says that the designation of the birds can be done by the owners at the time of purchase, or by the kohen as he offers the birds.

Rambam (הל' פסולי המוקדשים ח: ט) rules according to this Mishnah, but he does not mention that the women made a condition. Mahari Kurkos questions this, because we hold that we do not use the concept of ברירה in Torah-level laws, and this Mishnah must be valid only with the specific תנאי of the women. He answers that in this case, everyone holds that no explicit condition must be iterated by the women. They bought the birds as partners, and this already demonstrates that the women expect to have the kohen designate the birds for them. In this case, we do not need the special rule of ברירה to consider the choice of the kohen to be valid.

Oneg Yom Tov (#166) answers based upon the sugya in Pesachim (89b), that we apply ברירה even to Torah law when the person involved would certainly approve of the outcome. ■

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לעילוי נשמת דבורה בת יוסף מאניס ע"ה
From the Rimel family, Neve Tzof, Israel

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לזכר נשמת הרב נתן בן החבר מנחם
- the Magid Shiur of the MTJ Daf Yomi Shiur for many years and
who was my Rebbi muvhak for over 50 years.
Mr. Aaron Katz

HALACHAH Highlight

A גט written before the husband decided to divorce his wife

האומר מעשר שיש לי בביתי וכו'

One who declares, "The ma'aser that I have in my home..."

The author of Teshuvos Oneg Yom Tov¹ was asked to rule on the following issue. A man was contemplating divorcing his wife so he instructed a scribe and witnesses to write a גט for the sake of his wife (לשמה). If it turns out that they have irreconcilable differences he will give the גט to his wife but if they reconcile the get should be meaningless. The issue that this raises is that at the time the get is being written it is not yet clear whether he will divorce her. If and when he decides to go ahead with the divorce it will retroactively become known that the get was written with the intent to divorce her. According to our Gemara since bereirah, retroactive clarification, is ineffective for Biblical matters the גט should be invalid.

Oneg Yom Tov noted that the Gemara in Gittin (24a) discusses numerous gittin that are invalid because they were not written lishma – for the sake of this particular couple – and this case of a גט that is written before the husband decided definitively to divorce his wife is not included in that list. The fact that it is absent from the list indicates that such a get is valid and he explains why the principle of bereirah does not apply. Bereirah applies when a person is uncertain about something and if he decides that it should be "A" he specifically does not want it to be "B." For example, when a person declares that he wants the ma'aser that is in his home to be deconsecrated onto the coin that he pulls from his pocket he specifically does not want the coins that were not chosen to

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R' Nachman did not respond, but the Gemara suggests that it would be Ayo's version of R' Yehudah's opinion.

R' Yosef argues that the author would be Chachamim cited in a different Baraisa where they reject bereirah even in matters of Rabbinical law.

4) Clarifying R' Shimon's opinion

A discrepancy is noted regarding R' Shimon's position on bereirah.

The Gemara suggests that the names in one of the Baraisos should be reversed so that there should be consistency within the rulings of R' Shimon to reject the principle of bereirah.

Rava suggests that R' Shimon accepts the principle of bereirah and explains why R' Shimon's ruling regarding terumah revolves around a different principle.

An alternative explanation is presented for R' Shimon's ruling regarding terumah which means that generally R' Shimon does accept the principle of bereirah.

The Gemara reinterprets the exchange recorded in the Baraisa consistent with the explanation that R' Shimon requires terumah to be separated in a way that the remaining portion is distinguishable. ■

become ma'aser. Since he wants those coins to remain mundane rather than consecrated it is subject to the principle of bereirah. Regarding the question of the get this is not the case. The husband's only concern is that if he decides to divorce his wife he wants this get to be valid for that purpose. If he reconciles with his wife he doesn't want the גט to be something else. He simply won't deliver it to his wife to divorce her. Since it is not a choice between "A" and "B" the principle of bereirah does not apply and the גט is valid. ■

1. שו"ת עונג יום טוב ס"י קס"ו. ■

Gemara GEM

The mechanics of bereirah with a jug of wine

שני לוגין שאני עתיד להפריש וכו' ומיחל ושותה מיד

The Gemara discusses a person who has a jug of wine, and he wishes to designate the terumah and ma'aser from it. If he has no other container in which to place these portions, he may verbally designate the various gifts to be from the wine which he will leave at the bottom of the container, after drinking. This is valid based upon the concept of bereirah—a retroactive status which is determined later based upon his original statement.

Sfas Emes points out that even with the status of these gifts for the kohen being conferred using bereirah, we still have a container now with a blend of both terumah and chullin, whereby the entire amount should be prohibited to drink for a non-kohen. If the jug sits for more than twenty-four hours, the entire container is not merely a blend, but the "permitted" wine has absorbed wine from the terumah, and the entire amount should have the law of terumah. What have we accomplished by allowing bereirah to work, if all the wine is pro-

hibited?

Sfas Emes answers that there is, in fact, no problem here at all. The actual condition the person made was that only that which he leaves over will be the terumah and ma'aser. This means that not even one drop of anything else will have that designation. This interpretation of his words indicates that no where else in the container is there any remnant of terumah. The terumah is totally and wholly in the amount which is left at the end, and we now view the situation to be that none of it blended in to the chullin at any point. Therefore, there is no issue to deal with regarding any blending of prohibited terumah with chullin. ■