

## OVERVIEW of the Daf

### 1) Clarifying the dispute between Rav and Shmuel

The Gemara presents two versions of Rabbah's explanation of Rav's position limiting the person to four amos. According to one version the person is limited to four amos because he did not clearly define his residence. According to the second approach Rav's ruling is based upon the principle that whatever can not take effect consecutively can not take effect simultaneously.

The difference between the two approaches is identified.

### 2) Rabbah's principle

The Gemara unsuccessfully attempts to refute Rabbah's principle that whatever can not take effect consecutively can not take effect simultaneously.

### 3) Qualifying Rav's ruling

Abaye unsuccessfully attempts to qualify Rav's ruling.

R' Huna the son of R' Yehoshua explains that Rav's ruling applies only when the area covered by the tree is eight or more amos. If, however, the area was seven or less it is considered a defined area and he is granted a full techum.

A Baraisa is cited that supports Rav's position which Shmuel interprets differently.

A Baraisa is cited that supports Shmuel's position. The Baraisa does not refute Rav because as a Tanna he could disagree with the Baraisa. ■

## REVIEW and Remember

1. Explain the principle כל דבר שאינו בזה אחר זה אפילו בבת אחת אינו.
2. Why is the ma'aser declaration valid if a person declares that 20% of his grain is ma'aser?
3. Why would Rav agree that when the tree covers seven amos or less that the person has acquired a residence for Shabbos?
4. What is the consequence for placing two eruvin in opposite directions for Shabbos?

## Distinctive INSIGHT

*Anything that cannot be accomplished sequentially cannot be accomplished simultaneously*

כל שאינו בזה אחר זה אפילו בבת אחת אינו

The Tashbetz (3:147, cited here in Gilyonei HaShas) writes that the reason why anything that cannot be accomplished sequentially cannot be accomplished simultaneously is that such a case is analogous to the case of: "You and the donkey acquire this" (Bava Basra 143a), in which the law is that just as the donkey cannot acquire the object in question, so too the person also does not acquire it. Here too, since each one of the transactions is precluded by the other, therefore, each one, vis-à-vis the other transaction, is like a donkey, and therefore each prevents the other from taking effect.

This link is reflected in a case in the Mordechai (Bava Basra §605): "Once, a person simultaneously transferred to his friend ownership over real estate, movable objects and coins all together. He did so through a קנין סודר [chalifin, the same type of kinyan we use to appoint a Rav as an agent for Mechiras Chametz – such a kinyan is not effective in transferring the ownership of coins]. The great rabbis of the generation disputed the law in this case. Some said it was like the case of "You and the donkey acquire this..." and that just as ownership over the coins was not transferred, neither was ownership over the real estate and movable objects. Others said that since the transaction was effective for the real estate and movable objects, it was also effective for the coins. Rabbeinu Simcha wrote that although the transaction was not effective vis-à-vis the coins, it was effective vis-à-vis the real estate and movable objects, and it cannot be said that this is like the case of "You and the donkey acquire this," as a donkey is not able to effect any transfer of ownership, while coins are subject to transfer of ownership by pulling (meshichah), lifting (hagbahah) and being placed in one's yard (chatzer).

However, the question may be asked: Is not the halachah in the case of "You and the donkey acquire this" that the person acquires half of the objects or lands in question? If so, shouldn't everyone concede to Rabbeinu Simcha?

Bigdei Shesh (Bava Basra §46) addresses this issue, and explains that although these sources are borrowing the terminology from the case of "You and the donkey acquire this," the cases are dissimilar in an important way – implied by Rabbeinu Simcha himself. In the literal case of "You and the donkey acquire this," the transaction with the donkey is not a contradiction to the transaction with the person – rather, the transaction with the donkey is void and non-existent, and therefore does not impact on the linked transaction which is valid and existent. In these other cases, however, each of the combined transactions conflicts with and contradicts the other (indicated by their not being subject to being accomplished sequentially). It is therefore logical to conclude that in this figurative "You and the donkey acquire this," the transactions cancel each other and are both void. ■

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In memory of the 15th yahrzeit of  
Dr. Bernard Teitelman - Binyamin ben Shmuel z"l  
by Rabbi Lawrence and Nehama Teitelman and Family  
(New Hyde Park, NY)

## HALACHAH Highlight

### Reciting a berachah in a circumstance of doubt

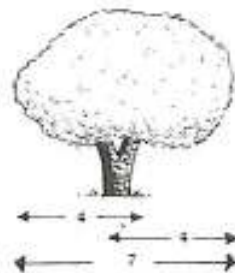
והרי מעשר בהמה דליתיה לחצאין

What about tithing animals that cannot be done in halves

**S**hulchan Aruch<sup>1</sup> rules that, except in the case of Rosh HaShana, one who forgot to make an eruv tavshillin on Wednesday to permit cooking on Friday, the second day of Yom Tov, for Shabbos, may make an eruv on Thursday, the first day of Yom Tov, with the following stipulation. "If today is Yom Tov then tomorrow is a weekday and it is permitted to cook on a weekday for Shabbos. If today, however, is a weekday and tomorrow is Yom Tov then this food should serve as my eruv tavshillin." Magen Avrohom<sup>2</sup> adds that when making an eruv tavshillin in such a circumstance one should recite a berachah.

Maharsham<sup>3</sup> cites numerous authorities who maintain that one should not recite a berachah when making an eruv tavshillin in this circumstance. He then suggests that support for the position that one should not recite the berachah can be found in Rashi's comments to our Gemara. The Gemara references the case of one who was tithing his animals and two animals exited the pen at the same time and he called them both "the tenth." Rashi<sup>4</sup> writes that in the event that one knew which one was the tenth, e.g. he called the 10<sup>th</sup> animal "nine" and the called the 11<sup>th</sup> animal "ten" the actual 10<sup>th</sup> animal would be brought as a ma'aser Korban and the 11<sup>th</sup> would be brought as a Shelamim. The difference between a ma'aser Korban and a Shelamim

## Daf DIAGRAM



אבל באילן שתחתיו ז' אמות הרי מקצת ביתו ניכר

**R**av Huna taught that an eruv is not valid if a person declares that his residence will be "under a particular tree," because he has not designated which four amos he intends for his use. This, however, is acceptable if the entire area is seven tefachim or less, because no matter which four amos he intended to designate, at least part of it is directly included no matter which way it is measured. ■

Korban is that a Shelamim requires leaning on the animal, libations and the waving of the breast and foreleg as opposed to a ma'aser. However, in the Gemara's case where a person does not know which of the two animals is the 10<sup>th</sup> he must lean and wave the breast and foreleg of both animals. Rashi then concludes that his mind tells him that one does not recite the berachah on the waving or leaning on the head of the animal to avoid the recitation of a berachah l'vatalah. If in the Gemara's case where one is uncertain which animal is the Shelamim one does not recite the berachah, certainly if one does not even know if he is fulfilling the mitzvah the berachah should not be recited. ■

1. שו"ע או"ח סי' תקכ"ז סעי' כ"ב.
2. מג"א שם סי"ק כ"ה.
3. דעת תורה שם.
4. רש"י ד"ה והרי מעשר. ■

## Distinctive INSIGHT

### The berachah for the mitzvos of the service in the Beis HaMikdash

ואמר רבה יצאו שנים בעשירי וכו' עשירי ואחת עשרה מעורבין זה בזה

**T**he fact that a ma'aser animal is now confused with a non-ma'aser animal presents several fascinating problems. Rashi explains that these two animals will both be brought as offerings. However, a true Shelamim requires that we place our hands on the head of the animal (סמיכה), as well as wine and flour for נסכים, and that the chest and right hind leg must be waved. These rules do not apply to ma'aser. Therefore, Rashi writes that the pressing of the hands and the waving of the chest and leg should take place for both animals, but a berachah should not be pronounced by the kohen as he does this, because we do not want it to be

a possible berachah said in vain.

It is clear from Rashi that blessings were recited by the kohen whenever he performed a mitzvah in the service of the Beis HaMikdash. Ramban, in his Sefer HaMitzvos (Shoresh 12) also writes that the kohen would say very specific blessings for each and every part of the service he did. For example, he would say a berachah when he poured the oil into the flour for the minchah (יציקה), and again when he blended the mixture (בלילה), and further when he broke the pieces of the minchah into their parts (פתיחה). Here, when the Shelamim/ma'aser animals were each brought, the kohen should have recited a berachah upon the pressing of his hands on the head of the animal, but because this service is not valid for the ma'aser animal, the kohen proceeds without saying a possible berachah in vain.

The Lev Sameach on the Sefer HaM-

itzvos comments that the opinion of Rambam is apparently that although the kohen recites berachos during the service, he does not say a separate berachah for each and every part of the service. Rather, he says a general blessing for the minchah, for example, which then covers for the entire mitzvah which follows.

Mishna LaMelech argues, and he explains that although each offering in the Beis HaMikdash comprises one mitzvah, nevertheless, it could be that as far as berachos are concerned, even Rambam may hold that a separate berachah is said for each part of the procedure.

Minchas Chinuch (in his comments on Rambam, Ma'aseh HaKorbanos 9) concludes that a berachah is said on each procedure of the Shelamim, but he discusses whether it is the kohen or if it is the owner of the offering who recites the berachah. ■