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CHICAGO CENTER FOR Torah & Chesed
Shabbos, Sept 14 2019 ■ י"ד אלול תשע"ט
בס"ד

OVERVIEW of the Daf

1) The dispute between R' Meir and Rabanan (cont.)

R' Sheishes identifies a case in which R' Meir agrees with Rabanan in their dispute whether an animal designated as an asham talui loses its sanctity when it is determined that its owner did not sin.

R' Yehudah in the name of Rav identifies a case in which Rabanan agree with R' Meir.

Rava challenges Rav's statement.

Abaye defends Rav's statement.

It is noted that R' Elazar and R' Yochanan debate the same issue as Rava and Rav.

R' Yochanan's position is unsuccessfully challenged.

2) The condemned ox

R' Kruspedai in the name of R' Yochanan rules that if the witnesses in the case of a condemned ox are rendered zomemim anyone who wants to take the ox may do so.

Rava qualifies this ruling.

Rava's qualification is unsuccessfully challenged.

Tangentially, the Gemara cites another teaching of Reish Lakish that relates to one who gives a gift to his friend and the friend refuses to accept the gift and the ruling is that anyone who wants to take the item may do so.

Three unsuccessful challenges to this ruling are presented.

3) Clarifying R' Eliezer's position

A contradiction is noted between two rulings of R' Eliezer as to whether a possible transgression is required to offer an asham talui or whether it can be brought voluntarily.

R' Ashi resolves this contradiction.

4) Unconsecrated animals in the azarah

A contradiction is noted between our Mishnah and another Mishnah whether an unconsecrated animal slaughtered in the azarah is burned or buried.

R' Elazar asserts that the sources are indeed contradictory.

Rabbah rejects the original presentation of the contradiction and revises the question accordingly.

5) Clarifying the Mishnah

Rava explains why the meat of the asham talui may be eaten if one realizes he didn't sin after the blood is thrown on the altar.

Rava explains the rationale behind R' Yosi's ruling that the blood may be thrown and the meat eaten even if one finds out that he did not sin while the blood is still in the cup.

This explanation is rejected and another explanation cited in the name of those in Eretz Yisroel is presented.

6) Decapitated heifer

R' Hamnuna and Rava disagree about the point at which the decapitated heifer becomes prohibited.

R' Hamnuna's statement is challenged. ■

Distinctive INSIGHT

Egla Arufa is prohibited from benefit

עגלה ערופה מאימתי נאסרת?

The Mishnah noted the various halachos of an asham talui where the person who had a doubt regarding whether he sinned later was able to clarify his doubt. The rules delineated in the Mishnah do not apply, however, in a case of an egla arufa which was originally designated to atone for an unknown murderer, when the assailant was then found and the egla arufa need not be brought. If the murderer was found before the egla was decapitated, the calf is released to the flock. If the calf had already been decapitated and then the murderer was found, the heifer must be buried on its spot. The heifer was brought and its procedure was performed due to the doubt that existed. The doubtful situation which prevailed at that moment was atoned, and the egla fulfilled her role.

The Gemara analyzes and inquires regarding the precise moment that an egla arufa becomes prohibited from benefit. Rav Hamnuna says that it is from when she is still alive, and the Gemara explains that this refers to the moment she descends into the rocky valley. Rava contends that the heifer becomes prohibited from benefit only from the moment she is decapitated.

The very fact that an egla arufa becomes prohibited from

Continued on page 2)

REVIEW and Remember

1. What is done with a bull condemned to stoning if it is discovered that the sentence was issued in error?

_____

2. What happens when the recipient of a gift rejects receipt of the gift?

_____

3. Is it necessary to sin to be obligated to bring an asham talui?

_____

4. What is the rationale behind R' Yosi's position regarding one who realizes he did not sin after the blood of the asham talui was collected in a bowl?

_____

Today's Daf Digest is dedicated
In memory of my father, Mr. Harold Lane
by his son Jerry Lane, Oak Park, MI

Today's Daf Digest is dedicated
In honor of our 20th anniversary,
Elchanan and Ruthie Abramowitz

HALACHAH Highlight

Reversing a mistaken ruling

שור הנסקל שהוזמו עדיו

If the witnesses that had a bull condemned to stoning were rendered zomemim

Shulchan Aruch[1] rules that when a judge errs in his ruling about something that is explicit (טעה בדבר משנה) the decision is reversed. Sha'ar Mishpat[2] notes that it would seem from all the Poskim that this is the halacha even if the error is not discovered until after the money was mistakenly paid. This ruling is difficult in light of our Gemara. The Gemara discusses the case of a ruling from Beis Din based on witness testimony that a bull must be stoned. If subsequently witnesses came and rendered the first pair of witnesses into zomemim the bull is considered ownerless and anyone who wants may take possession of the bull. Rashi[3] explains that once Beis Din issued their decision the owner resigns to the fact that he has lost control over his bull (הפקר) and as a result it is available for anyone to take. Seemingly, the same principle should apply to the judge who erred. As soon as the false ruling was issued the owner should resign to the fact that he as lost control over that money and when it becomes known that the judge erred the money should be ownerless for anyone to take.

Sha'ar Mishpat suggested that Shulchan Aruch's ruling that the money must be returned to the litigant is limited to where there was a contradiction between the claimant and the defendant and since the defendant knew the truth all along he never abandoned hope of recovering his money. For that reason it never became ownerless and upon discovery of the truth the money must be returned to the defendant. In cases where the defendant doesn't disagree with the claim against him (e.g. the bull that was convicted) since the defendant does not know the truth he accepts the ruling of Beis Din and makes his property ownerless. He admits, however, that he did not find this distinction in earlier sources but recognizes the possibility that they left him this chiddush to generate on his own. ■

1. שו"ע חו"מ סי' כ"ה סע' א'.
2. שער משפט שם סק"ב.
3. רש"י ד"ה זכה. ■

(Insight...continued from page 1)

benefit and the source for this law are the subject of discussion among the commentators. The Gemara (Kiddushin 57a, Avoda Zara 29b) cites D'vei Yannai who say that the word "כפרה" appears in the context of egla arufa (Devarim 21:8), which is an association to kodoshim, which are prohibited from benefit.

Our Gemara (earlier, 6a) says that the law of me'ilah applies to an egla arufa based upon the phrase "she shall be decapitated there," thus indicating that she must remain and be buried where she is killed, not to be used for anything.

In our sugya, a Beraisa is brought which says that an egla arufa is prohibited while still alive (according to R' Hamnuna) as we find with the bird of a metzora, which is associated to the goat which is sent away on Yom Kippur. In turn, egla arufa is linked to the Yom Kippur goat using the common word "כפרה."

The Yerushalmi (Avoda Zara 5:12) learns that an egla arufa is prohibited from benefit based upon a gezeirah shavah using the word "שם" (Devarim 21:4), which the Pnei Moshe explains is a link to the same word "שם" found in reference to a corpse (Bemidbar 20:1). It is interesting that our Gemara uses this gezeirah shavah in reverse, as it determines that a corpse is prohibited from benefit because it is linked to egla arufa. Nevertheless, Pnei Moshe notes that the text in our Gemara cited by many Rishonim is the same as it appears in the Yerushalmi. Ritva comments that this seems to be a contradiction between the sugyos, and he notes that this is one of the discussions in shas which appears in reverse form in different contexts. ■

STORIES Off the Daf

The Gift of Gratitude

הנותן מתנה לחבירו

Today's daf discusses the halachos of one who gives a gift.

In Kelm people knew how to show their gratitude. It was normal to show one's appreciation to the children of one who had been of assistance. Some had developed their hakaras hatov to such an extent that they even expressed their gratitude to the grandchildren of the one who had helped them.[1]

An interesting question arose regarding such demonstrations. A certain Jew was in a far-flung town during the terrible years of the Holocaust. He knew that he had no chance alone, so he begged a non-Jewish friend to hide him. His friend did not let him down despite the danger of hiding a Jew.

After the war, this Jew went to Israel and was very successful in business. He always sent a large amount of money back to Europe to help his non-Jewish friend. After some time, this man passed away, and the Jew wondered whether he was permitted to continue sending money to the non-Jew's children. After all, although they hadn't helped him they were the progeny of the man who had saved his life. Don't we find in the Torah that the descendants of Amon and Moav should have given Yisrael bread and water as an expression of kindness to Avraham through whose merits Lot's life was sav? Yet, in general, it is forbidden to give a non-Jew a gift due to the prohibition of לא תחנם. It was not as though the children would have a claim against him, since he had always helped their father. Yet he wished to continue giving to them if he could.

When this question reached Rav Nissin Karelitz, shlit"a, he ruled decisively. "When a person feels gratitude to someone—or his descendants—there is no problem of לא תחנם; it is only if he wished to give a gift not due to hakaras hatov that this prohibition applies."[2] ■

1. אור יחזקאל, ח"ד, ע' שכ"ח
2. חוט שני, הלכות מזוזה, ברכות ומלי דנזיקין, ע' תל"ד ■

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