



OVERVIEW of the Daf

1) Identifying the sources for the Mishnah's rulings (cont.)

The Gemara concludes its response to the challenge to the exposition that taught that an ox condemned to death may not be used for kiddushin.

The sources that one may not use an eglah arufah or birds of a metzarah are cited.

2) The birds of a metzarah

R' Yochanan and Reish Lakish dispute whether the birds of a metzarah become prohibited when they are slaughtered or when they are purchased.

Each Amora explains the rationale behind his position.

Since Reish Lakish used the eglah arufah as precedent for the halacha concerning the birds of a metzarah the Gemara cites a discussion when the eglah arufah becomes prohibited.

The principle that Reish Lakish drew from the case of eglah arufah is unsuccessfully challenged.

Three unsuccessful challenges to Reish Lakish's position are presented.

3) Permitted and prohibited birds

The Baraisa earlier presented an exposition that included the metzarah bird that is set free as a kosher bird and the metzarah bird that is slaughtered as a non-kosher bird.

The Gemara questions why the Baraisa did not include the slaughtered bird as kosher and the one set free as non-kosher.

R' Yochanan in the name of R' Shimon ben Yochai asserts that we do not find that living animals are prohibited.

This assertion is successfully challenged on the second attempt and R' Yochanan is forced to revise his principle.

An alternative exposition from D'vei R' Yishmael that living birds are permitted is cited.

This exposition is unsuccessfully challenged.

Rava offers a third explanation for why it is that the living bird is the one that is permitted.

4) Identifying the sources for the Mishnah's rulings (cont.)

The source that the hair from a nazir may not be used for kiddushin is cited.

This exposition is unsuccessfully challenged.

The Gemara assumes that the Mishnah that maintains that the first-born donkey is prohibited from benefit is inconsistent with R' Shimon who maintains that it is permitted for benefit.

R' Nachman in the name of Rabbah bar Avuha explains how the Mishnah is compatible with R' Shimon.

(Continued on page 2)

Distinctive INSIGHT

Reverence for Torah scholars

את ה' אלקיך תירא—לרבות תלמידי חכמים

The Gemara (Berachos 19a) teaches that if one makes derogatory remarks about a rabbinical student, the Holy One, blessed be He, avenges his insult.

At the end of the fifth chapter of Hilchos Yesodei HaTorah, Rambam writes that there are two categories of desecrating the Name of Hashem. One is when a person violates a Torah precept or conducts himself in an unlawfully lenient manner in public. The second category is when a Torah scholar conducts himself in an unbecoming manner, even if his actions do not constitute direct negligence by not fulfilling a mitzvah or a direct committing of a sin. The reason why this is also a chilul Hashem is that people observe and take lessons from Torah scholars, as they assume that everything they do is justified and condoned by the Torah itself. The greater and more prominent the person, the more people follow his lead, and therefore the more careful he must be in how he behaves. The Gemara (Yoma 86a) even reports that Rav, when he went shopping, was careful to pay as he made his purchase, and not to use credit, for in his community this would have constituted an impropriety. For Rav on his level, this would have been a chilul Hashem.

If someone tells false reports about a Torah scholar, that he acted improperly, this would cause a chilul Hashem, because people would believe his story and they might conduct

(Continued on page 2)

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REVIEW and Remember

1. At what point do the birds of a metzarah become prohibited from benefit?
2. Explain שחיטה שאינה ראויה שמה שחיטה.
3. What is the difference between the words קודש and קדוש?
4. What is the source that a mixture of meat and milk are prohibited from benefit?

HALACHAH Highlight

Kiddushin with an עגלה ערופה

בעגלה ערופה מנלן

What is the source that an עגלה ערופה is prohibited from benefit?

The Gemara asks for the source that the עגלה ערופה is prohibited for benefit since a derivative of that halacha is that one would not be permitted to use an עגלה ערופה for kiddushin. The implication of this discussion is that were it not for the fact that the עגלה ערופה is prohibited from benefit it would be possible to use it for kiddushin. The difficulty with this is that the עגלה ערופה is not private property that one could use for kiddushin. The עגלה ערופה is considered the same as a communal korban and as such how could anyone take communal property and give it to a woman to effect a valid kiddushin?

Teshuvos Oneg Yom Tov¹ suggests that the Mishnah refers to a case where someone designated a calf for use as an עגלה ערופה but did not yet give the calf to the community. Since the community has not yet taken possession of the calf it remains the property of the original owner. Nevertheless, since it was designated for use as an עגלה ערופה it becomes prohibited from benefit. Therefore, were it not for the exposition that prohibits an עגלה ערופה from benefit it could be used for kiddushin since it remains the property of the original owner, but once the Torah prohibits it from benefit it may not be used for kiddushin.

The source that basar b'cholov may not be used for kiddushin is cited.

It is noted that the Mishnah is inconsistent with R' Shimon ben Yehudah who maintains that one is permitted to derive benefit from basar b'cholov.

The source that one may not use unconsecrated animals slaughtered in the Beis Hamikdash is cited.

This exposition is successfully challenged and Abaye offers an alternative exposition for the source of this ruling. ■

Chazon Ish² suggests that the Gemara's discussion refers to a case where the seven trustees of the town (ז' טובי העיר) agree to give the calf to this person as a gift before it was used as an עגלה ערופה since they found a nicer one. As the trustees of the city they have the authority to give the calf to this person and it becomes his property, but it nonetheless may not be used for kiddushin since it is prohibited from benefit as a calf designated as an עגלה ערופה. Rav Elyashiv³ is cited as explaining that even an animal that was designated as a communal korban retains, to some degree, the status of the original owner's property and it is with that portion (that we must assume is worth the value of a perutah) that one would think that he could give to a woman as kiddushin. ■

¹ שו"ת עונג יו"ט סי' ו' בהגהה.

² דבריו מובא בספר נחל איתן סי' ו' אות י"ב.

³ ספר הערות למס' קידושין. ■

STORIES Off the Daf

"To include Talmidei Chachamim"

"לרבות תלמידי חכמים..."

Although it used to be that every Torah scholar had profound yiras shomayim, our modern times have unfortunately changed this. Sadly, we find talmidei chachamim who haven't got much yiras shomayim to speak of. Rav Wolbe, zt"l, attributed this to the fact that most people don't learn sifrei mussar.

In reference to this problem, the Lev Simcha of Gur, zt"l, would say, "The Rebbe Rav Yitzchak Zelig of Sokolov, zt"l, would explain the Gemara in Kiddushin 57: Rabbi Akivah interprets the extra word, 'es' in the commandment 'es Hashem Elokecha tirah'—'and you shall fear Hashem your G-d'—l'rabos, to include,

Torah scholars. But the term 'l'rabos' also implies that scholars must have extra yiras shomayim..."¹

But what prevents Torah scholars from attaining yiras shomayim?

Rav Wolbe explains in a powerful letter: "Even a quarter of an hour of mussar every day has such a powerful effect on the entire person that there is a very special yetzer hara that works to prevent one from dedicating the time. When I learn mussar I always feel that even if I were to learn a thousand pages of Gemara with Tosafos diligently, pray with focused attention, and perform mitzvos, I would still have absolutely no yiras shomayim without mussar. Although this sounds strange, that is the truth about the power of limud hamussar. What can one do to combat this difficulty? He must force himself to learn mussar despite it. Even though this is much more difficult to learn than any other segment of Torah, one needs to un-

derstand that learning or failing to learn mussar is a matter of life and death! Our master and teacher, the light of our eyes, Rav Yerucham of Mir, zt"l, said that it is worthwhile to be created even if only for the sake of learning mussar!"² ■

¹ לבם של ישראל, חלק ב', עמוד שמ"ג

² אגרות וכתבים, חלק א', מכתב ל"ח

(Insight...Continued from page 1)

themselves in this same manner. The story alone, although untrue, could have the power to lead people to act in the same way that they had heard was done by this important person. The Gemara tells us that telling stories about those who have already died is technically not a violation of the law of lashon hara. Yet, if the story is being told about a talmid chacham, a great Torah scholar, those words have the ability to cause a great desecration of the Name of Hashem. ■