



OVERVIEW of the Daf

1) Mikveh waters (cont.)

The Gemara challenges Rava's answer since a premise of his explanation is an issue that was a matter of uncertainty to R' Pappa.

The Gemara answers that the matter was indeed a question to R' Pappa but obvious to Rava.

R' Yosef and Abaye discuss the exact wording of Rav's original ruling.

R' Yehudah in the name of Rav ruled that if a barrel of water fell into the Great Sea one should not immerse in that spot because we are concerned that three lug of the drawn water are floating in that spot.

A qualification to this ruling is added.

A Beraisa is cited that supports Rav's ruling.

A point in the Beraisa is clarified.

2) **MISHNAH:** R' Meir and Chachamim disagree in two cases whether zomemim witnesses receive multiple punishments.

3) Clarifying R' Meir's position

Ulla offers an explanation for R' Meir's position that zomemim witnesses could receive multiple punishments.

According to a second version Ulla's explanation was given in the context of the punishment for leaving leftovers from a korban.

The Gemara rejects Ulla's explanation in this context and Reish Lakish offers an alternative source for administering lashes for a prohibition whose violation does not involve an action.

This explanation is also challenged and revised.

The Gemara records an exchange between Rabanan and R' Meir concerning the verse of **לא תענה** and the source of the warning to zomemim witnesses. ■

REVIEW and Remember

1. What is the issue disputed by R' Pappa and Rava?

2. What is the point of dispute between R' Meir and Chachamim?

3. What principle is derived from the words **כדי רשעתו**?

4. What are the different expositions from the phrase **לא תענה**?

Distinctive INSIGHT

לוקה ומשלם – Two consequences for two violations

מעידין אנו באיש פלוני שחייב לחבירו מאתים זוז ונמצאו זוממין לוקין ומשלמין, שלא השם המביאין לידי מכות מביאן לידי תשלומין

The Mishnah discusses a case where witnesses conspire to obligate someone to pay two hundred zuz. When they are found to be conspiring witnesses, they must pay the defendant the two hundred zuz they illegally attempted to have him pay, and the witnesses are also given lashes. This is the opinion of Rabbi Meir, and his reasoning is that these two consequences of their actions, paying and receiving lashes, are each derived from separate verses. Rashi explains that the lashes are due to the verse **“לא תענה”**—do not testify falsely,” while the payment to the defendant is based upon the verse **“ועשיתם לו כאשר זמם.”** Chachamim disagree with Rabbi Meir and they hold that anyone who must pay does not also receive lashes.

Tosafos (**ד”ה לוקין**) raises the question that the Mishnah states that the reason Rabbi Meir allows both punishments of lashes and payment is that these two violations are each learned from different verses. However, this suggests that even Rabbi Meir would agree that if the two laws would have been from the same verse that the witnesses would only receive one punishment. This, however, is not correct, as we find (Bava Metzia 91a) that if someone muzzles an ox and works with it, he receives lashes, and he must pay the ox's owner four kav of grain (that the animal would have and should have eaten while working). The Gemara identifies the author of that opinion which allows two punishments to be administered to be Rabbi Meir, although both of the violations are derived from the same verse, **“לא תחסום שור בדישו”** – Do not muzzle an ox as it threshes.” (Devarim 25:4) We see, notes Tosafos, that Rabbi Meir allows two punishments even when the violations are not from two distinct verses.

Tosafos answers that the two violations are actually not from the same verse. Repaying the grain the animal was entitled to eat is based upon the halacha of **“והשיב את הגזילה”**—Return a stolen object.” Tosafos explains that even though the Torah prohibits muzzling an animal while it works, we

(Continued on page 2)

Today's Daf Digest is dedicated
 By Mr. Melech Bernstein & family in memory of
ר' אליעזר יחזקאל בן ר' לוי, ע"ה

Today's Daf Digest is dedicated
 By Mr. & Mrs. David Friedman
לע"נ מרת רבקה בת ר' שרגא פאטעל, ע"ה

HALACHAH Highlight

Mikveh primer

חבית מליאה שנפלה לים הגדול וכו'

If a full barrel falls into the Great Sea etc.

In our Gemara, R' Yehudah in the name of Rav addresses a case of a full barrel that falls into the Great Sea. He rules that immersing in that location is not considered a valid immersion since we are concerned with the possibility that the person immersed in three log of liquid from the barrel. Rishonim disagree about the details of this case. According to Rashi¹ the barrel was filled with drawn water which is unfit to be used as mikveh waters. Rav taught that even though the barrel with the drawn water was completely submerged, one may not immerse in the barrel for we are concerned that the drawn water remained in place and he immersed in the drawn water.

Tosafos² disagrees with Rashi's explanation. If it were true that the barrel was filled with drawn water, its waters would be made valid by virtue of the principle called זריעה – seeding. The process of seeding is when one takes either impure or drawn water in a utensil and immerses the utensil with the liquid in pure or rain/spring water. As soon as the pure or rain/spring water covers the impure or drawn water it is rendered pure or fit for use as mikveh water. Therefore, Tosafos explains that Rav is discussing a barrel that is filled with wine. Since wine is a liquid that is unfit for immersion and cannot be made fit through זריעה, we have to be concerned that he

(Insight...continued from page 1)

would not know that there is an obligation to repay the grain withheld from the animal had it not been for the mitzvah to return stolen goods.

Ritva points out that the law is that the court may only administer one punishment to a person for a single act, even if it comprises two violations. Why should this be dependent on whether the violations are learned from one verse or from two verses? He answers that if both violations are from the same verse, when we give one punishment only, we have fulfilled the intent of the verse by enforcing it with at least that one punishment. However, when two verses are involved, we cannot ignore either one, and we can and should administer a punishment for each. ■

immersed in the wine.

Nowadays, most people immerse in mikvehs filled with rain water rather than in springs of natural water. Since it is impractical to rely on a constant flow of rain water it is necessary to devise a method of being able to utilize drawn water as a supplement. There are many different ways how this is done and one of them involves the use of זריעה discussed above. Practically, what is done is that a pit stores the rain water. When it is time to fill the mikveh where people immerse, drawn water is poured onto the rain water. There are holes in the wall which allow the water to overflow into the mikveh where the immersion will take place. ■

1. רש"י ד"ה לא עלתה.

2. תוס' ד"ה אמר. ■

STORIES Off the Daf

Undeserved punishment

"כדי רשעתו..."

Today's daf discusses when it is necessary to inflict lashes. The Rambam writes, "Anyone who strikes his fellow Jew for no reason, whether child or adult, man or woman, violates a negative commandment. As the verse states, 'לא יוסיף להכותו' —He shall not continue to strike him.' If the Torah forbids us to add blows to a sinner who deserves makkos, it is all the more true that we are prohibited from striking a tzaddik who does not deserve to be hit at all!"¹

When the Beis Halevi, zt"l, was forced to give a divorce to his first wife due to a trick played on his father-in-law,

he was unsure how to spell his nickname, "יושע בער." Of course, the proper spelling is with a shin, but since Lithuanian Jews normally pronounced it "Yosse Ber," perhaps it should really be spelled with a samech? The dayanim held one way, while the Beis Halevi argued differently. Finally, they agreed with him and wrote it as he felt was correct. That night he suddenly realized that it was possible that the dayanim had been correct after all and his proofs were not really compelling. The next morning he asked the dayanim to write another get just in case, but they refused.

In order to be certain he had freed his ex-wife entirely the Beis Halevi decided to travel to Brody and ask the renowned Rav Shlomo Kluger, zt"l, his opinion on the matter. But the Beis Halevi did not have the funds to travel and

was forced to take on a position as an assistant to a wagon driver heading for the large town.

During the ride over it became clear that the rav was inexperienced at holding the reins and every slip resulted in a blow administered to the Beis Halevi. When they finally arrived and the Beis Halevi met Rav Kluger, he was asked to deliver the drasha on Shabbos. The entire crowd was in the shul for the drasha and when the wagon driver saw that his assistant was actually a prominent rav he regretted his actions. After the drasha he begged the Beis Halevi to forgive him since he had not known that he was a talmid chacham.

The Beis Halevi responded, "One who strikes his assistant also violates the prohibition against striking another Jew!" ■

1. הלכות חובל ומזיק, פ"ה, ה"א ■

