

OVERVIEW of the Daf

1) Combining animals that are spread out for ma'aser

Rav's opinion that five animals must be in the middle group to combine the outer groups for tithing, is unsuccessfully challenged.

R' Pappa asserts that according to Shmuel even the shepherd or the shepherd's belongings combine the two groups of animals.

R' Ashi inquires whether according to Shmuel the shepherd's dog will combine the two groups of animals and the inquiry is left unresolved.

2) Jordan River

R' Ami asserts that according to R' Meir if there is a bridge over the Jordan the animals can be combined for tithing.

The Gemara challenges the implication that the halacha relates to whether the animals can come close to one another.

R' Chiya bar Abba in the name of R' Yochanan offers a different interpretation of R' Meir's position.

R' Chiya bar Abba's interpretation is unsuccessfully challenged.

Another challenge to R' Ami's interpretation is cited.

It is suggested that there is a debate whether the Jordan River is part of Eretz Yisroel.

Rabba bar bar Chana in the name of R' Yochanan identifies which part of the river is called the Jordan River.

The Gemara searches for the halacha for which this is relevant.

A Baraisa is cited that supports R' Yochanan's position.

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REVIEW and Remember

1. How does R' Yochanan explain R' Meir's opinion in the Mishnah?

2. Why is the Jordan River called ירדן?

3. Why is the Yuval River called פרת?

4. Why did Shmuel's father insist on immersing in a mikvah during some parts of the year?

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Faige Raizel bas Menachem Manush A"H,
Mrs. Fanny Inger O.B.M.
by her children Dr. and Mrs. Aaron Friedman

Distinctive INSIGHT

The waters of the Peras River

מי פרט הוא דלא שתינא הא מנהרא אחרנא שתינא

Rav Yehuda in the name of Rav teaches that if someone takes an oath not to drink from the Peras River, he is prohibited from all waters of the world. The Gemara clarifies that if the oath was to prohibit himself from "the waters of the Peras River," the intent is that he not drink from the water which is in the Peras River, but the water which later flows from it to other rivers is permitted. The case where all waters become prohibited is where the person prohibits himself from "water which flows from the Peras River." Because Rav Yehuda in the name of Rav holds that all rivers ultimately flow from the Peras, this statement therefore refers to all waters of all rivers of the world.

In Bereshis (2:10-14) we are told of a river which flows from Eden and which splits into four parts. The last of the four is the Peras. This suggests that Peras is not the source of all rivers of the world. The Gemara answers that the original river which flows from Eden is the Peras itself. Rashi and Tosafos explain that after it splits into three parts, the main branch which began, and then continues, is the Peras itself.

Rashi explains that when a person takes an oath to prohibit benefit from an item from a specific location, his intention is in reference to the place which is generally called by that name. Therefore, if a person says that he will not drink water from the Peras River, his intent is only to prohibit from himself water while it is in the Peras, but that he will continue to drink from water of a different river, even if that water originated in the Peras River. Oaths are limited to the general understanding of what people have in mind when they speak, and the water of the Peras River only refers to the water while it is in the Peras, but not after it flows beyond it.

Chasam Sofer (2, Y.D. #224) explains that when a person takes a vow not to benefit from a specific well or spring, all water which flows from that source remain prohibited, because even though other water later mixes with the self-excluded waters, the prohibited water does not become nullified, even in a mixture of a large amount of permitted water. The reason for this is that the prohibited waters are a substance which is potentially permitted (דבר שיש לו מתירין), if the speaker would appeal to a panel of judges to release his vow, and that which is potentially permitted does not become nullified in a mixture. Therefore, in our case, if a speaker meant to prohibit all waters upon himself, he would have just said, "I prohibit all springs and rivers from myself." By specifying the waters of Peras, it must be that his intent was to prohibit only the water while it is in the Peras River, and not after it flows from it. ■

HALACHAH Highlight

Reciting a beracha upon seeing rivers

כל הנהרות למטה משלש נהרות וכו'

All the rivers are beneath the three rivers etc.

The Gemara Berachos (54a) teaches that one who sees rivers should recite the beracha **עושה מעשה בראשית**. Tosafos¹ explains that the Gemara's intent is not that one recites the beracha every time he sees a river; rather the intent is that one should recite the beracha when he sees the four rivers mentioned by name in the Torah, e.g. **פרת** and **חדקל**. This ruling as understood by Tosafos is codified in Shulchan Aruch². Magen Avrohom³ cites Mordechai who also writes that the beracha is not recited on every river; rather it when one sees rivers like **גיחון ופישון חדקל ופרת**. Magen Avrohom wonders why he adds the word "like - כמו" when these four rivers are the other rivers mentioned by name in the Torah. He also questions the rationale why one would not recite the beracha on other large rivers that have been around since the beginning of creation. Consequently, Magen Avrohom rules in accordance with Beis Yosef⁴ who in the name of Avudraham that the beracha is recited only on unusual rivers which he interprets to mean very large rivers like the four that are mentioned by name in the Torah. Mishnah Berurah⁵ also references the position of Magen Avrohom and rules that the beracha is recited when one sees a large river similar to the ones mentioned in Shulchan Aruch and only if it is known that they have been in existence since the time of creation.

Torah Temimah⁵ suggests that Tosafos had in mind our

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R' Chiya bar Abba in the name of R' Yochanan explains the origin of the name Jordan River.

An alternative source for this is presented.

R' Kahana identifies the source of the Jordan River and then teaches a halacha related to this fact.

Tangentially, similar teachings about other matters are presented.

This tangent leads to a discussion of whether the Euphrates River is the source for water in the world

This leads to a discussion of Shmuel's father's practice of preparing different mikvaos for his daughters.

3) MISHNAH: The Mishnah teaches that one who purchases or receives an untithed animal as a gift is exempt from tithing that animal.

4) Clarifying the Mishnah

The Gemara begins to search for the source of the Mishnah's ruling. ■

Gemara when he wrote his comment there. The Gemara teaches that all the rivers are nourished from the four rivers that are mentioned by name in the Torah. Accordingly, the beracha on seeing a river was not enacted when one sees a large river; rather the beracha was enacted specifically for the four rivers that provide water for the world. Therefore, one does not recite the beracha when one sees other rivers, even if they are very large since they do not generate their own waters. ■

1. תוסי ד"ה ועל הנהרות.

2. שו"ע אר"ח סי' רכ"ח סעי' ב'.

3. מג"א שם סק"ג.

4. מ"ב שם סק"ד.

5. תורה תמימה בראשית ב: י"ד העי' ל"ה. ■

STORIES Off the Daf

The Common Understanding

הלך אחר לשון בני אדם

Rabbeinu Gershom enacted a cherem to forbid polygamy. Although the evidence indicates that most of our sages only had one wife even in earlier times, until the cherem it was theoretically permitted to marry more than that. The cherem only made official that which most people already know: that we are not on the level to have more than one wife. But sometimes halachic safeguards can make the life of individuals difficult. One man's wife went for a visit in foreign

lands and was not heard from again. Obviously, since he had no idea where she was, he was unable to give a divorce. In addition to being alone due to having no wife, this man had no children and wanted to fulfill the mitzvah of raising a family. Before the cherem of Rabbeinu Gershom, this would have been a simple matter with a simple solution: all he had to do was find a willing bride and get married. But now that it was forbidden to marry a second wife, this man was at a loss as to what he should do.

When this question reached the author of the Chut Hameshulash, zt"l, he ruled that there was room for leniency in this situation. "We can certainly question whether a woman who leaves the country

and is never heard of again is still considered a wife as far as Rabbeinu Gershom's cherem is concerned. If he marries and has no idea where his first wife is, can we say that he is really married to two women? Regarding nedarim we find that we follow the language of the average man. We may well wonder what the halachah is regarding one who marries a second wife but has no idea of the location of his first wife, whom he assumes is no longer living. It seems clear that if the husband waited a long time and he heard nothing from his wife, she is almost certainly deceased. In such a situation the husband may marry again since the cherem does not apply."¹ ■

1. שו"ת חוט המשולש, ח"ג, סי' ט"ו. ■