

OVERVIEW of the Daf

1) The believability of a kohen (cont.)

The Gemara finishes the last incident related to a person's believability to claim that in the past he made something invalid or tamei.

2) **MISHNAH:** The Mishnah presents different halachos presented by R' Yochanan ben Gudgada, two of which relate to enactments put in place to promote some sort of good.

3) A woman's awareness to receive a גט

Rava applies R' Yochanan ben Gudgada's ruling that a woman's awareness is unnecessary for the validity of her גט.

The novelty of Rava's ruling is explained.

4) A deaf-mute eating her husband's terumah

The Gemara notes that a deaf-mute woman will not eat her husband's terumah.

The rationales for this and other related rulings are explained.

5) A stolen beam

A Baraisa presents a dispute between Beis Shammai and Beis Hillel about the responsibility of someone who stole a beam and built it into his home.

6) A stolen Chatas

Ulla asserts that Biblically a stolen Chatas does not provide atonement and the sages instituted that if it was not known that it was stolen it will atone in order to avoid saddening the kohanim.

This explanation is unsuccessfully challenged.

R' Yehudah asserts that Biblically a stolen Chatas does atone and the sages instituted that if it was known that it was stolen it does not atone.

Two unsuccessful challenges to R' Yehudah's position are presented.

Ulla's position is unsuccessfully challenged.

Rava poses a related inquiry that he subsequently resolves.

7) **MISHNAH:** The Mishnah presents the halachos of סיקריקון, i.e. buying land from an idolater who seized the property of a Jew. The same principles apply to one who buys land that a husband encumbered to his wife's kesubah. The Mishnah reports two changes that were made to this halacha.

8) Clarifying the Mishnah

It is noted that the first part of the Mishnah appears illogical.

R' Yehudah explains the meaning of the Mishnah and presents the history of this halacha as described by R' Assi.

9) The destruction of Yerushalayim, Tur Malka and Beitar

R' Yochanan cites an exposition that alludes to the causes of the destruction of Yerushalayim, Tur Malka and Beitar.

10) Kamtza and Bar Kamtza

The Gemara begins to recount the incident of Kamtza and Bar Kamtza that led to the destruction of the Beis Hamikdash.

Distinctive INSIGHT

The sages penalized the thief and consider the animal as הקדש

אוקמה רבנן ברשותיה כי היכי דלחייב עלה

The Mishnah presented the case of a stolen chatas offering that was brought to the Beis Hamikdash. The halacha is that although it was a stolen animal, if the current owner of the offering was unaware of this problem when he brought it for the kohanim to officiate (i.e., he had unknowingly bought the animal from a thief), the offering is valid.

In the Gemara, Ulla holds that, as far as Torah law is concerned, יאוש on the part of the original owner is not legally sufficient to allow the current owner to bring this stolen animal as an offering. However, in the case where he is unaware of the problematic status of the animal, the rabbis deemed the offering as valid in order that the kohanim not be dismayed for having eaten from an invalid offering. Rav Yehuda explains that יאוש on the part of the original owner is legally adequate to allow the buyer to be considered the current owner, and for the offering to be valid. Nevertheless, we do not allow an animal which is known to be stolen to be used, even after יאוש, so that people will not murmur that the Beis Hamikdash accepts tainted goods.

Rava brings a question against Ulla from a Mishnah in Bava Kamma (74b). A thief steals an animal, and consecrates it. If he then slaughtered it or sold it he pays double (כפל) for the original theft, but he does not pay the penalty of four and five for having slaughtered it or selling it. The reason is that at the moment he did the שחיטה the animal already belonged to הקדש. The Baraisa then adds that if the animal is slaughtered outside of the Beis Hamikdash, there is a punishment of כרת for having done one of the services of an offering outside the Beis Hamikdash. Rava notes that the כרת is an indication that the יאוש of the original owner must be enough for the animal to be transferred to the thief, and subsequently to הקדש. We see that R' Yehuda is correct.

Ulla answers that, in fact, the יאוש does not help the transfer of the animal from its original owner, but the sages nevertheless penalized the thief because of his crime and make him liable for כרת שחוטו חוץ for כרת.

Rashi explains that this penalty is applied to the thief only, but anyone else who would slaughter this animal would not be liable for having done שחיטה on a consecrated animal. Tosafos (כי היכי) asks against Rashi, as the wording of the Baraisa implies that anyone who does the שחיטה for this animal outside the Beis Hamikdash is liable for כרת. Therefore, Tosafos explains that in a case of a stolen chatas which is unknown to the public, the sages consider it fully הקדש, and anyone who does the שחיטה is liable. ■

HALACHAH Highlight

Reading a guest list on Shabbos

אמר ליה לשמעיה זיל אייתי לי קמטצה

He said to his attendant, "Go and bring to me Kamtza."

Shulchan Aruch¹ rules that it is prohibited to read a guest list on Shabbos. Mishnah Berurah² cites the Gemara's two explanations for this restriction. One reason is the concern that one may realize that he does not have sufficient food for all his guests and will erase people from the list so the shamash will not invite them to the meal. A second explanation is the concern that if reading guest lists were permitted it could possibly lead to people reading financial documents (שטרי הדיוטות). Accordingly, Rav Yaakov Reisher, the Shvus Yaakov³, was asked what leniency people utilize when they permit waiters to invite people to meals on Shabbos from a written guest list. It would seem that the practice is in direct opposition to the ruling of Shulchan Aruch.

Shvus Yaakov acknowledged that the lenient practice is a confusing issue amongst the Achronim and he cited Magen Avrohom's suggested explanation. Magen Avrohom suggested that just as one is permitted to make business calculations that relate to a mitzvah, so too it is permitted to read a list of guests if it is a seudas mitzvah. Shvus Yaakov writes that he is willing to accept this explanation but notes that it does not explain the lenient practice for meals that

REVIEW and Remember

1. What is the punishment for someone who stole a beam and built it into his home?
2. What is the point of dispute between Ulla and R' Yehudah?
3. Explain סיקריקון.
4. What events caused the destruction of Yerushalayim, Tur Malka and Beitar?

are not a mitzvah. He suggests that the rationale for the lenient approach is that when Chazal enacted the decree prohibiting reading a guest list the enactment was only directed to the host of the meal but not to a waiter who is serving at the meal. The reason, he explains, is that if the waiter does not read the guest list there is a fear that a mistake may occur and terrible tragedies can arise similar to what happened in the story of our Gemara involving Kamtza and Bar Kamtza. This explanation is also cited by Mishnah Berurah⁴ as an explanation for the lenient practice of allowing someone other than the host to read a guest list.

1. שו"ע או"ח סי' ש"ז סעי' י"ב.
2. מ"ב שם ס"ק מ"ז.
3. שו"ת שבות יעקב ח"ג סי' כ"א.

STORIES Off the Daf

"Fortunate is the one who always fears..."

"אשרי אדם מפחד תמיד..."

On today's daf we find a reference to the verse in Mishlei: "Fortunate is the one who always fears..."¹ There is a parallel verse in Tehillim that specifies that this healthy fear is the fear of Hashem.

In 5637, the Chofetz Chaim's son was learning in the "Kovetz Prushim" in Eisheshok when he heard that his worthy father in nearby Radin had contracted some kind of illness. Un-

derstandably, he made the short trip home. He found the Chofetz Chaim in bed with intestinal colic looking into a Tur Orach Chaim propped open in front of him.

The moment after greeting his son, the Chofetz Chaim poured out his troubled heart: "How foolishly people always push off doing teshuvah until 'later' when they will supposedly finally have time. They figure that returning one day before they die—literally—is good enough. I see on my own flesh that this is a very great error. Here I am, disabled in bed. Although I cannot preoccupy myself with other matters, and try again and again to make an exact chesbon hanefesh and do teshu-

vah, I cannot muster up enough clarity to do a precise reckoning with myself. The reason I cannot is unfortunately simple: my head is heavy and my body's suffering makes it next to impossible for me to concentrate. All of my thoughts are drawn to my physical ailments and I cannot remember what happened so many years ago..."

The Chofetz Chaim concluded, "How correct were Chazal when they commented on the verse, 'Fortunate is the man who fears Hashem'—when he is still an 'איש',² while he is still young and strong..."³

1. משלי, כ"ח: י"ד
2. ע"ז, דף י"ח-י"ט
3. מכתבי הח"ח, קיצור תולדות חייו, עמוד י"ט