

This month's Daf Digest is dedicated in memory of
Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev.
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah presents a dispute whether a vow from greens includes pumpkins and Egyptian beans. The debate between R' Akiva and the other scholars related to pumpkins is recorded.

2) Clarifying R' Akiva's position

R' Akiva's position that pumpkins are prohibited as part of a vow against greens is challenged since pumpkins are a fruit rather than a green.

Ulla explains the case where R' Akiva's ruling applies.

The point of dispute between Rabanan and R' Akiva is explained.

A Mishnah in Meilah is cited.

R' Chisda asserts that that Mishnah does not represent R' Akiva's position.

Abaye rejects this assertion and explains how the Mishnah could also represent R' Akiva's position.

Rava expressed approval for Abaye's explanation.

The Gemara identifies the opinion that disagrees with R' Akiva as that of R' Shimon ben Gamliel.

A Baraisa that contains R' Shimon ben Gamliel's position is cited.

A point in the Baraisa is explained.

The rationale behind Tanna Kamma's position, recorded in the Baraisa, is challenged.

Abaye explains that Tanna Kamma was referring to a particular case.

Abaye's explanation is unsuccessfully challenged.

Abaye offers an alternative explanation for Tanna Kamma.

This second explanation is unsuccessfully challenged.

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Distinctive INSIGHT

Are gourds included in the category of vegetables?

אמרו לו לר' עקיבא והלא אומר אדם לשלוחו קח לי ירק וכי'

The Mishnah presents a dispute between Tanna Kamma and Rabbi Akiva regarding whether gourds are included in a vow against eating vegetables. Tanna Kamma permits gourds, as they believe that gourds are not called a vegetable, but Rabbi Akiva argues, as he holds that gourds are included in the realm of vegetables.

The Chachamim of the Tanna Kamma bring a proof to their opinion, as they note that if someone sends a messenger to the market to purchase vegetables for him, and the agent is not able to find anything other than gourds, experience shows us that the messenger will not immediately purchase the gourds to bring them back. Rather, he will return to the one who sent him and ask whether buying gourds is acceptable. We see from the fact that the agent will not bring gourds without consulting and receiving specific instructions, that gourds are not normally included in the category of vegetables. Rabbi Akiva, however, responds and proves his contention while making the same observation. It is noteworthy that the agent will only return for instructions if he finds gourds. If he had found only beans, he would not have come and ask whether buying them would be acceptable, as beans are obviously not a vegetable. He would simply return empty-handed and report that no vegetables were available. The fact that he asks whether gourds are acceptable is a sign that gourds are indeed within the scope of vegetables.

When Rabbi Akiva begins his response to the Chachamim, he uses the term **כן הדבר**—Yes, the matter is so. Yet, Rabbi Akiva argues against the Chachamim. What does he mean when he begins his remarks with this introductory phrase? Ritva explains that Rabbi Akiva first acknowledges to Chachamim that an agent sent to buy vegetables will not immediately buy gourds, if that is all he can find, and that he will return for instructions how to proceed. Rabbi Akiva continues and shows how the conclusion of how to interpret these facts results in an opposite outcome of that arrived at by the Chachamim. Rabbi Akiva explains that an agent will not come and ask for instructions about an item which is not included within the realm of his original mission. ■

Today's Daf Digest is dedicated
as a zechus for Moshe Leib ben Shmuel Yitzchok.
הצלחה בכל מעשה ידיו
by the Zucker family

HALACHAH Highlight

Eating fish on the day one will immerse in the mikvah

הנודר מן הבשר וכו'

One who vows to refrain from eating meat etc.

Shulchan Aruch¹ records the custom to refrain from eating meat on the day one will immerse in the mikvah. The reason is that meat has a tendency to become stuck between the teeth and even if one were to clean and check their teeth to assure that there is nothing between his teeth, nonetheless, we are concerned for the possibility that something is there and the person will not realize it. Poskim address the question of whether this custom also includes refraining from eating fish on the day of immersion.

Maharil² writes explicitly that brides have the custom to eat dairy and fish since these foods do not become lodged between the teeth. Rav Yitzchok Yaakov Weiss³, the Minchas Yitzchok, suggests an alternative reason there is no restriction against eating fish on the day of immersion. Shulchan Aruch⁴ rules that anything that comes into existence in water (תחילת ברייתו מן המים) cannot be an interposition (חציצה). For example, immersion in the fluid of the eye of a large fish is a valid immersion. Therefore, even if there was fish lodged in one's teeth it would not constitute an interposition that disqualifies the immersion.

Rav Menashe Klein⁵, the Mishnah Halachos, suggests that the answer to this question is related to the dispute in our Gemara whether a vow prohibiting meat includes a prohibition against eating fish. R' Shimon ben Gamliel maintains that fish is not included in the category of meat, but R' Akiva holds that since an agent who was sent to buy meat would consult with his

REVIEW and Remember

1. Explain the dispute between R' Akiva and Rabanan in the Mishnah?

2. When does an agent violate the prohibition of מעילה?

3. What is the dispute between R' Akiva and R' Shimon ben Gamliel?

4. When is eating fish beneficial to one's eyes?

principal whether he should purchase fish, if meat was not available, this is an indication that fish and meat are in the same category. Accordingly, since Rabbeinu Nissim rules in accordance with the opinion of R' Akiva, one should be restricted from eating fish on the day of immersion the same as one is restricted from eating meat on that day. However, one could distinguish between the two cases because our Gemara is addressing matters of vows where words are defined by their common usage and one could assert that fish and meat are similar. On the other hand, the question of eating fish on the day of immersion is a concern related to interpositions and since by nature fish does not become lodged in one's teeth one could be lenient. ■

1. שו"ע יו"ד סי' קצ"ח סע' כ"ד
2. מהרי"ל הל' נישואין אות י"א
3. שו"ת מנחת יצחק ח"ז סי' ע"ה
4. שו"ע יו"ד סי' ר"א סע' ל"ג
5. שו"ת משנה הלכות חי"ב סי' צ"ז ■

STORIES Off the Daf

Local customs

קרביים לאו בשר ואוכליהן לאו בר איניש

In the city of Baghdad, the Jewish custom was not to eat the ושט, the esophagus of slaughtered animals. Instead, all of the town's people would throw the organs away with other refuse. A certain poor woman who was having trouble feeding her family sought out a place where she might find enough of the organs in good condition, unmixed with other trash, to prepare a decent meal for her protein-starved family. Sometimes, when many

people would grill together in large groups, they might leave enough of them to fill a pot. The widow finally discovered just such a communal barbeque, but just when she was about to make off with the meat, one of the townspeople informed her that this is prohibited.

The man said, "Since the custom in our town is that no one eats them, you may not depart from our practice. 'The custom of Yisrael is Torah!'"

The woman was unconvinced so she decided to put this question before the Rav of Baghdad, the famous Ben Ish Chai, זט"ל.

He responded decisively, "There is clearly nothing wrong with this. It is obvi-

ous that no prohibition applies. The only reason why they cast these away has nothing to do with kashrut; it is just because the lack of fat on them means that they won't be good eating!"

The Ben Ish Chai continued, "This is similar to בני מעים, regarding which Rav Shimon Ben Gamliel says in Nedarim 54: 'קרביים are not like meat, and those who eat them are not בר איניש.' This means if one has access to other food and instead choose to eat offal, he would be considered to be a הדיוט. Now, esophagi are definitely less satisfying than innards. However, these are obviously permitted—people throw them out only because they are not chashuv!" ■

