

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

OVERVIEW of the Daf

1) Acquiring stolen property by causing a physical change (cont.)

Abaye continues to elaborate on the sources of the five Tannaim who subscribe to the position that an object remains in the possession of the original owner even if the object undergoes a physical change.

Abaye further explains that these Tannaim maintain that there is no dispute between Beis Shammai and Beis Hillel on this point.

Rava disagrees with Abaye's understanding of the rulings of these Tannaim and suggests that their rulings represent exceptional cases rather than a general statement of their position.

R' Yehudah in the name of Shmuel rules in accordance with R' Shimon ben Elazar's position that a robber may return a stolen animal that underwent a physical change.

A second ruling of Shmuel is cited which according to Rava's earlier explanation would not constitute a contradiction but according to Abaye would constitute a contradiction.

Abaye changes Shmuel's first statement so that it should not be contradictory to the second ruling.

R' Chiya bar Abba in the name of R' Yochanan asserts that Biblically one could return a stolen object that underwent a physical change and the reason the Mishnah rules that an object that underwent a physical change is not returned is to make it easier for people to repent.

This statement of R' Yochanan is unsuccessfully challenged.

2) Assisting those who wish to repent

A Baraisa rules that one should not accept money from robbers or from those who collected interest.

R' Yochanan explains the historical context of this ruling.

The ruling that one may not accept payment from someone who collected interest is unsuccessfully challenged.

(Overview...Continued on page 2)

Today's Daf Digest is dedicated
By Dr. and Dr. Ron Sanders
In loving memory of their father
ר' ראובן בן ר' זונדל, ע"ה

Today's Daf Digest is dedicated
In loving memory of our mother
Mindel bas Eliezer, oleho hasholom, Mrs. Mildred Gerber o.b.m.
by her children Mr. and Mrs. Alan Gerber

Distinctive INSIGHT

Reciting a blessing on prohibited foods

והפריש ממנה חלה כיצד מברך? אין זה מברך אלא מנאץ

Abaye had listed the names of the those who are of the opinion that שינוי במקומו עומד—a physical change in the item does not result in a change of ownership. Among those listed was Rebbe Eliezer ben Yaakov. His statement is found in a Baraisa which speaks about someone who stole a bag of wheat. Even if the thief then grinds it, kneads the flour into dough and bakes it into bread, and even if he then removes the proper amount as חלה for the kohen, he should not recite a blessing on this mitzvah. The reason is that, in fact, this is not a mitzvah, but a despicable act of contempt. As Rabbi Eliezer ben Yaakov remarks, the verse in Tehillim (10:3) refers to such an act as it decries, “and the robber praises himself that he has blasphemed Hashem”.

We see that even though the wheat has undergone many physical changes, the thief has not acquired it, and the product of the sinful act of theft remains a tainted and forbidden item.

Tosafos in Berachos (45a) has in his text of this statement “if the thief is going to eat it, what blessing should he recite?” According to this version, the question is not regarding the blessing on the mitzvah of separating חלה, but rather in regard to the blessing on eating the bread baked with this wheat. This is also the understanding of several other Rishonim, and many Achronim.

The conclusion of Rabbi Eliezer ben Yaakov is that this situation is regrettable. Rashba and Rosh understand that this means that after stealing and reciting a blessing, the whole situation is unfortunate, as it would have been better if he had not stolen. However, it is appropriate, after having stolen, that he say a blessing before eating. Notwithstanding, the blessing is necessary, but it does not elicit great appeal from Hashem. Other Rishonim (רא"ה, מאירי בשם יש חולקין) say that he should not recite a blessing at all in this case, as he sinned by stealing, and his blessing would be a further act of discredit.

In general, there is a notable discussion whether a person should say a blessing before and/or after eating prohibited foods. Rambam (Hilchos Berachos 1:19), Rashba and Ritva (et.al.) rule that no blessing should be said before or after eating prohibited foods. Ra'aved, Rosh, Meiri (et.al.) hold that once a person eats and will benefit, he should say a blessing before and after eating. Some commentators note that there might be a difference between reciting a blessing over food, which may be inappropriate after having stolen, and a blessing for a mitzvah, which should be said even by a thief who separates חלה. ■

HALACHAH Highlight

Honoring a father who is/was wicked

ומפני כבוד אביהם חייבין להחזיר וכו'

And out of honor for their father they are obligated to return [the interest?] etc.

Rambam¹ writes that a mamzer is obligated to demonstrate honor and reverence for his father even though he is exempt from liability for hitting or cursing him until he repents for his transgression. Tur² disagrees based on our Gemara that relates that children are not obligated to return interest their father collected if he died while yet a רשע. Lechem Mishnah³ suggests that our Gemara only exempts a child from honoring a wicked parent after he died but during his lifetime one is obligated to show honor and reverence.

Shulchan Aruch⁴ rules in accordance with Rambam and states that a child must honor his father even if he is wicked. Rema⁵ cites other authorities who follow the position of Tur that a child is not obligated to show respect and reverence for a parent who is wicked unless the parent repents. Birkei Yosef⁶ suggests that Rambam's ruling refers to where the father had done a prohibited act for which he is categorized as someone who is wicked and although he has yet to repent for his indiscretion, he does not continue to commit that transgression. Since the father's wicked behavior is not ongoing the child is obligated to honor and show reverence for that parent. But if the parent continues to transgress the prohibition that categorized him as wicked the child is not obligated to show respect and reverence for that parent. Ultimately, however, he backtracks from this explanation

REVIEW and Remember

1. What is the status of a beracha made on the mitzvah of separating challah if the grain was stolen?
2. Explain אין שמין לא לגנב ולא לגולן.
3. Why did the sages enact that one should not accept money from a robber who wishes to return that money?
4. Why is it difficult for shepherds to do teshuvah?

since we are taught that Hashem excused Avrohom Avinu from honoring his parents, who were wicked, but does not exempt others from their obligation to honor their parent, seemingly, even if they are wicked.

Aruch Hashulchan⁷ suggests that even according to Rambam one would only honor a parent who violates prohibitions because he cannot control his urges to sin but those who sin out of malice or are heretics, even Rambam would agree there is no obligation to honor or revere such a parent. ■

1. רמב"ם פ"ו מהל' ממרים הי"א
2. טור יו"ד סי' ר"ח
3. לחם משנה על הרמב"ם הנ"ל
4. שו"ע יו"ד סי' ר"מ סע' י"ח
5. רמ"א שם
6. ברכי יוסף סי' רמ"א אות ז'
7. ערוה"ש יו"ד סי' "מ סע' ל"ט ■

STORIES Off the Daf

Theft by another name

אפילו אבנט אינו שלך

We find on today's daf that a certain thief wished to do teshuvah but was discouraged when his wife said to him, "Empty one! If you repent, even the aveit, the fancy belt around your waist, will no longer be your own!"

The Brisker Rav, zt"l, commented on this, "We see from here that even a respectable person who wears an aveit may still be a thief!"¹

Of course most people do not steal in its more prosaic sense. Yet the Chazon Ish, zt"l, pointed out an area where even honest people are often "moreh heter"

and withhold money belonging to another, G-d forbid. In the Chazon Ish's words, "The most prevalent form of theft today is failure to pay shadchanus. A shadchan has the halachic status of a laborer, and one is obligated according to Torah law to pay him for his services the customary fee in one's area."

On many occasions the Chazon Ish referred to shadchanus as "kosher gelt"—well-deserved earnings.

A certain person approached the Chazon Ish with a very painful problem. Although several years had elapsed from the wedding, he and his wife still had no children.

"Did you pay the shadchan?" asked the Chazon Ish.

"It is virtually certain that he is halachically not entitled to a penny in our

particular case."

The Chazon Ish pushed this claim aside. "Even so, go and pay the customary fee."

The very next year the couple had their first child!² ■

אש פנחס ע' רצ"ז
פניני רבינו הקה"י ח"א ע' נ"ט

(Overview...continued from page 1)

The assertion that children should return money their father took as an interest payment is unsuccessfully challenged.

Two unsuccessful challenges to the Baraisa's ruling concerning taking money from robbers or from those who collect interest are presented.

A second way to resolve the second contradiction is presented. ■