

OVERVIEW of the Daf

1) Going free when the master causes the loss of a limb (cont.)

R' Chiya bar Ashi in the name of Rav rules that if the master cut off the slave's extra finger, he goes free.

R' Huna qualifies this ruling.

A related incident is cited that discusses whether a slave goes free if his master emasculated him in his **ביצים**.

Rebbi's position, cited in an earlier Baraisa, that a slave does not go free if his tongue is severed is challenged.

2) Is the tongue an exposed organ?

In the course of the ensuing exchange the Gemara discusses whether the tongue is considered an exposed organ.

Ulla elaborates further on the topic of whether the tongue is an exposed organ and identifies the exact point of dispute.

The exchange between Rebbi and Rabanan about the related expositions and verses is presented.

A contradiction to Rebbi's position that the tongue is a hidden organ is noted and resolved.

The Gemara notes, tangentially, that there is a dispute whether the **ביצים** of an animal are considered exposed.

A point in the Baraisa is clarified.

3) **MISHNAH:** A dispute is presented regarding the correct method of acquiring an animal.

4) **Acquiring a large animal**

Rav taught that a large animal is acquired by **משיכה** – drawing it near.

Shmuel challenged this position.

The Gemara answers that Rav follows a Baraisa rather than the Mishnah.

R' Yosef wonders how according to R' Shimon's position an elephant could be acquired by **הגבהה** – lifting it.

Abaye and R' Zeira suggest different methods of acquiring an elephant.

The Gemara unsuccessfully attempts to infer that utensils of the buyer could acquire property in the domain of the seller. ■

REVIEW and Remember

1. What excuse did the elders of Nezonias give for not attending R' Chisda's lecture?

2. Why didn't the Tanna present Ben Azzai's position before Rebbi's position?

3. How are small animals acquired?

4. What method of acquisition is used to acquire an elephant?

Distinctive INSIGHT

The transaction of מסירה

בהמה גסה נקנית במסירה

The Mishnah rules that ownership of a large animal can be transferred by **מסירה**—handing it over. Rashi explains that the way to acquire a large animal is with the owner handing it over to the buyer with its reins or by the hair of the animal. Tosafos notes that Rashi apparently requires that the transfer occur directly from hand to hand. **ריב"ם** concurs with this, as he deduces it from the words of the Gemara in Bava Metzia (8b): “What is the nature of **מסירה**? It is when the object is handed over from one person to the next (**כאדם המוסר דבר**) (**לחבירו**).”

Tosafos notes, however, that the Gemara earlier describes **מסירה** with the buyer “grabbing onto the hooves” of the animal. This does not seem to require hand-to-hand transfer. Furthermore, if it must be handed directly to the buyer, the words of the seller should not be **לך חזק וקני**—Go, acquire it and have it be transferred to you,” but rather, **בא**—Come, and acquire it...”

Rather, Tosafos is of the opinion that the transfer of **מסירה** need not be done from hand to hand. The owner may give oral instructions and command the buyer, **לך חזק וקני**, at which time the buyer may go and take the item on his own. Rashbam explains that when the Gemara earlier describes how the buyer grabs the hooves of the animal, it means that he does so after receiving instructions from the seller to do so, but not that it be handed directly from the owner.

Rashba and **ר"ן** write that when Rashi explains that the owner hands the item to the buyer, Rashi himself did not intend to say that we require that **מסירה** be done from hand to hand, but Rashi was simply describing how things are usually done.

Rashi also notes that a large animal is transferred by **מסירה** but not with **משיכה**. He explains that **משיכה** must mimic an action typically done by an animal's owner, and it is not common for a large animal to walk in front of its owner. Tosafos points out that according to Rashi, it seems that **מסירה** is a stronger **קנין** than **משיכה**, and Tosafos questions this from various sources. Pnei Yehoshua explains that Rashi meant to say that regarding an animal specifically it is unusual to do **משיכה**, and this is why this would not be a proper method to acquire an animal. However, when acquiring movable objects, even Rashi would agree that **משיכה** is a strong method of performing a transaction. ■

HALACHAH Highlight

Immersion with contact lenses

מקום הראוי לבוא בו מים בעינין

We do require a place where water could enter

Rav Menashe Klein¹, author of Teshuvos Mishnah Halachos, was asked to rule about a woman who, two days after she went to the mikvah, realized that she forgot to remove her contact lenses for her immersion. Did the presence of the contact lenses invalidate the immersion or not? Mishnah Halachos ruled that contact lenses are considered an interposition to her body (חציצה) since she is particular (מקפיד) to remove them every night when she goes to sleep. He bases this ruling on a Teshuvah of Noda B'yehudah² who ruled that a ring of wax placed in a woman's body that is removed when it becomes dirty is an interposition since she is particular to remove it for cleaning. Noda B'yehudah notes, based on Tosafos³ comments to our Gemara, that there is a fundamental distinction between inner parts of organs (בית הסתרים) and the inner cavity of a person (בלוע). There is a requirement that the mikvah water should be able to reach the inner parts of organs as opposed to the inner cavity of a

person where there is no such requirement. Nevertheless, concludes Mishnah Halachos, it is clear that the eye is categorized as an inner part of an organ and thus if the mikvah water can not reach that area due to the presence of a contact lens the immersion was invalid.

Rav Moshe Feinstein⁴ ruled that a woman is obligated to remove her contact lenses before she immerses since she could easily remove it herself but if she forgot to remove her lenses before her immersion she is not required to immerse again. The rationale for his position is that he maintains that for something to constitute an interposition on the inner parts of organs it must be something that is attached to the place where it rests (חציצה מדברים המתדבקים). Something that is attached to an inner part of an organ will prevent the water from reaching that spot but if it merely sits in place but is not attached, like a contact lens, it is not an interposition even though the water will not touch that area.

1. שו"ת משנה הלכות ח"יב סי' צ"ט.
2. שו"ת נב"ק יו"ד סי' ס"ד.
3. תוס' סד"ה כל הראוי לבילה.
4. שו"ת אג"מ יו"ד ח"א סי' ק"ד. ■

STORIES Off the Daf

"The Vessels of the Buyer on the Premises of the Seller..."

"כליו של לוקח ברשות מוכר קנה..."

One of the most difficult yearly mitzvos to fulfill is clearing out all the chometz before Pesach. One young man felt so frustrated by the whole problem that he decided to check himself and his entire family into a famous five-star hotel for the entire duration, just to be sure that nothing would go wrong.

Unfortunately, the rooms had a refrigerator filled with beverages that could be purchased right there in the rooms. He was horrified when, during bedikas chametz, he noticed among the beverages some chometzdicke whiskey.

He immediately asked his Rav what to do, and the Rav then consulted with

Rav Shlomo Zalman Auerbach, zt"l. The gadol answered, "He must insist they remove either the refrigerator or any chometz in it before the time that chometz must be destroyed..."¹

In Vienna, on a year when Pesach came out on Motzei Shabbos, someone realized that there was a serious problem. On Shabbos, before the halachic zeman tefilah, they were required to either give away or destroy whatever chometz was in their possession. Many people would eat outdoors or in a controlled area and throw the food out in the garbage cans on their property. This man wondered if this was really permitted. Since he knew that hilchos chometz is especially complicated, he consulted with the Rav of Vienna, a talmid muvhak of the Tchebiner Rav, Rav Betzalel Stern, zt"l.

He replied, "It depends on many factors. In our city, the garbage cans are

owned by the municipality but are placed in one's property. These are like vessels of the buyer on the seller's premises, which is mentioned at the end of Kiddushin 25b. We hold that when two people wish to make a transaction, if the buyer places his payment into the seller's property with permission, in constitutes a kinyan. Presumably whatever is in these receptacles remains the property of the owner of the premises. Therefore, he must at least declare the place where the receptacle rests hefker."²

When the Minchas Yitzchak, zt"l, was asked regarding municipal receptacles on city property he ruled that one may place the chometz in such receptacles before the zeman biur chometz.³

1. שו"ת מנחת שלמה, חלק ב', סימן נ"ח
2. שו"ת בצל החכמה, חלק ג', סימן ק"ט
3. שו"ת מנחת יצחק, חלק ד', סימן נ"ו, שאלה א'