

OVERVIEW of the Daf

1) Tithing animals

Three opinions from the Mishnah in Bechoros are cited regarding the New Year for animal tithing.

The reasons for the three opinions are explained.

From the above explanation the Gemara demonstrates that Ben Azzai was a colleague as well as a student of R' Aki-va.

The topic of combining animals for tithing is examined. The conclusion of the Gemara is that animals are tithed in the year they are born and not the year they become fit to be brought as a korban.

The same principle is applied to bechor, namely, the days the animal is unfit for a korban count towards calculating its first year.

2) HALACHAH 2: MISHNAH: The Mishnah describes the boxes used to withdraw funds and the restrictions concerning clothing to avoid even a hint of suspicion that the one withdrawing the money took some for himself.

3) Moving boxes to make room for guests

R' Zeira asked R' Yoshiyah: What size box does the Mishnah in Shabbos permit one to move to make room for guests?

R' Yoshiyah answered by citing a Baraisa related to the withdrawal of the half-shekel which establishes that a box the size of three seah is significant.

4) Determining liability for transporting a cup of wine

R' Zeira asked R' Yoshiyah: What is the quantity of undiluted wine that makes a person liable for transporting on Shabbos?

R' Yoshiyah answered by citing a Baraisa related to the four cups of wine at the seder which establishes a quarter-revi'is as a significant quantity.

The author of the above cited Mishnah is identified.

The Gemara determines the minimum quantity of diluted wine that makes a person liable for transporting on Shabbos.

A number of halachos related to wine used for kiddush and the four cups are discussed.

On a side note, two stories that relate to wisdom illuminating a person's face are recorded.

5) Measurements

Different ways to determine the size of a log and a revi'is are presented. ■

Distinctive INSIGHT

Steering clear of suspicion

שאדם צריך לצאת ידי הבריות כדרך שהוא צריך לצאת ידי המקום שנאמר והייתם נקיים מה' ומישראל

Several halachos throughout shas are based upon the principle that a person is required to conduct himself in a manner which avoids suspicion. For example, in Yevamos (25b) we find that if a single witness testifies that a woman's husband is dead, the woman is thus permitted to remarry. Yet, the halachah is that the witness himself should not marry this woman. Observers might suspect that he fabricated his testimony in order to be able to marry this woman. Another example is in Shabbos (23a), where a farmer is technically allowed to leave פאה for the poor at any spot in his field he wishes. Yet the halachah requires that he designate פאה at the corner, in order not to arouse suspicion. These are only two examples of many.

There is a puzzling statement of Rabbi Yosi (Shabbos 118b) who states, "May my portion be among those who are suspect of wrongdoing, but who are truly innocent." If there is an obligation to stay clear of suspicion, why did R' Yosi wish to be among those who are the object of such mistrust? Furthermore, the story is told (Shabbos 127b) of an emergency mission on the behalf of the Jews, when Rabbi Yehoshua and his students had to visit an influential woman who had intimate connections with many Roman officials. Rabbi Yehoshua had to meet with her in private, and several aspects of his visit appeared suspicious. His students, however, did not misinterpret any of his actions, and for that they were rewarded. The question, asks Maharsha, is how did Rabbi Yehoshua allow himself to appear as being compromising, when our Gemara obliges a person to remain clear of suspicion?

Maharsha answers that if a person has no choice other than to enter into a scenario where his conduct might seem unusual, he must attempt to minimize or even avoid suspicion as much as possible. This is why Rabbi Yehoshua clarified his actions to his students. Rabbi Yosi on 118b never wished to act strangely and to be the object of suspicion. This would have been prohibited. Rather, if he prayed that if he would be suspected of illegal behavior even while acting normally, he knew that the reward of his restraint would be great. ■

HALACHAH Highlight

Preferred kiddush wines

יוצאין ביין קונדיטון [פי' שמעורב בו דבש ופלפלין] וכו' יוצאין ביין מבושל

One can fulfill his obligation with konditone wine (wine mixed with honey and pepper)...One can fulfill his obligation with cooked wine.

In contrast with our Gemara, Rambam² rules that wine used for kiddush must be similar in quality to wine fit to be used on the mizbeach. Therefore, if even a small amount of honey was added to a large quantity of wine, the entire mixture would be rendered unfit for use for kiddush. For the same reason, one may not use cooked (pasteurized) wine for kiddush.

Other Rishonim³ disagree with Rambam and follow the ruling of our Gemara that permits cooked wine or wine mixed with honey for kiddush. Rema⁴ states that the custom is in accordance with the later opinion. The Mishnah Berurah⁵ echoes the position of Rema and writes, "Preferably, one should use an uncooked wine provided it is a better quality wine⁶ than the cooked wine. The same rule applies to konditone."

One practical difference between the ruling of Rambam and the ruling of the Rema would be wines that have sugar added. Since, halachically, such a wine has the status of konditone⁷, according to Rambam it may not be used, whereas according to Rema it is acceptable. A second difference would be the use of pasteurized wines⁸, according to those who maintain that pasteurized wines are considered cooked. These halachos apply to kiddush⁹ and the four cups used at the seder. ■

1. כ"כ בילקוט שמעוני פרשת יתרו סוף סימן רע"ב שקונדיטון יש בו דבש ופלפלין וכ"כ הראשונים בע"ז דף ל' ע"א. וכ"ה בשו"ע או"ח תע"ב סי"ב

REVIEW and Remember

1. How did the Gemara demonstrate that Ben Azzai became a colleague of R' Akiva?
2. What is the source that requires a person to conduct himself in a way that is beyond suspicion?
3. Why were the letters aleph, beis, and gimel written on the boxes used to withdraw funds?
4. What four activities make a person's face shine?

2. פכ"ט מהלכות שבת הי"ד
3. ע"ש ברמב"ם ובמגיד משנה, שלדעת הרמב"ם כל שנפסל למזבח אפילו כשנפסל רק מחמת שמעורב בו טיפת דבש נפסל לקידוש. ושי"א שרק בפסול מחמת עצמו כיון מבושל נפסל לקידוש. ושלרמב"ן ורשב"א אפילו יין מבושל כשר שמשביח בבישולו. עכ"ד, וראיתי מי שכתב שיין שבזמה"ז שנותנים בו את הסוכר מתחילת ברייתו, וע"כ ומשביח טעמו ולעו"ע כשר. ואינו נכון, שלהדיא ברמב"ם שטעמו הוא מפני שפסול למזבח ושלכן פסל אפילו טיפת דבש אחת בחבית, [מהפסוק דכל שאור וכל דבש לא תקטירו], וא"כ מאי איכפת לן בטעמו
4. או"ח סימן ער"ב ס"ח. וע"ע בסימן תע"ב ס"ב
5. סימן תע"ב וס"ק ל"ט
6. ור"ל כרמ"א הנ"ל. ודע שהא"ר בסימן ער"ב ס"ק י"א כתב שהאגור, שהוא מקור הרמ"א כתב דוקא כשאינו טוב כלל אבל כשהוא טוב אף שאינו טוב כמו המבושל מברך על שאינו מבושל, עכ"ל הא"ר. ובל המ"ב סתם כרמ"א. [ואפשר דס"ל שהרמ"א מעצמו נטה יותר לרמב"ן ורשב"א]. וכן עי' מ"ב תע"ב ס"ק ל"ט
7. מ"ב סימן ער"ב ס"ק כ"א ובשם הפמ"ג. ועין לעיל 3
8. כ"כ בקובץ תשובות (מהגר"י"ש אלישיב זצ"ל) ח"א סימן ע"ה, וכן בשו"ת מנחת שלמה ח"א סימן כ"ה (מהכרש"א זצ"ל) [וע"ע תשובות והנהגות ח"ג סימן רס"ב] ודלא כאג"מ ביור"ד ח"ב נ"ב וח"ג סימן ל"א, ומ"מ כאן בלא"ה הרי אפילו מבושל ממש כשר מעיקר הדין
9. במ"ב סימן תע"ב ס"ק מ' ■

STORIES Off the Daf

True integrity

שאדם צריך לצאת ידי הבריות כדרך שהוא צריך לצאת ידי המקום

The Shelah HaKadosh, ז"ל, explains that a gabbai tzedakah should not assume that since he is known to be trustworthy, he need not keep a clear record of who gave what and how it was spent. The Midrash recounts that even Moshe Rabbeinu was under suspicion by some until he gave a full account of all the money he had received and for what it was used. How much more so is this true for us! We need to keep clear records and share them

with the people, as the verse says: "You should be blameless in the eyes of the Jewish people." Ensuring that people are happy with us is part of our obligation to love our fellow Jews, but the Pele Yoetz points out that scholars often neglect this point. They believe that if they are truly blameless, they do not have to worry about others wrongly suspecting them of questionable behavior. The truth is that one who doesn't act to assuage the suspicions of others is putting a "stumbling block before the blind!"

When the Beis HaLevi, ז"ל, was the Rav in the town of Slutsk, the Russians instituted a new currency and prohibited the use of the old. Knowing full well that the Brisker Rav was steeped in learning all

the time, the shamash decided to take advantage of the situation. He pocketed the Rav's salary paid in new currency, and exchanged it for an equal amount of the old. Upon receipt of the money, the Rav thanked him as usual, and the unscrupulous shamash figured that the Rav suspected nothing. In actuality, the Brisker Rav did know—he merely kept silent to spare the man embarrassment. For weeks, not only did the Brisker Rav refrain from using the illegal currency, he was also careful to ensure that no one else would either. Until the shamash thought better of his actions and changed to the new bills, the Brisker Rav took the time to bury the old currency payment every pay-day! ■