



## OVERVIEW of the Daf

### 1) Actively violating a prohibition (cont.)

The Gemara continues its discussion of the source that one who curses a friend with the name of God is liable to lashes.

### 2) Separating terumah before the first fruits

The Gemara presents the source for R' Yosi bar Chanina's position that one who separates terumah before the first fruits is subject to lashes.

R' Elazar and R' Yosi the son of R' Chanina dispute whether one who gives terumah before separating the first fruits is subject to lashes or not.

It is suggested that R' Yosi the son of R' Chanina is the one who maintains that the transgressor is liable to lashes.

This is rejected and it is suggested that R' Elazar is the one who will maintain that the transgressor is liable to lashes.

Once this argument is accepted it seems as though R' Yosi the son of R' Chanina issued two contradictory rulings.

This contradiction is resolved.

This explanation is unsuccessfully challenged.

### 3) A prohibition that is rectified by a positive command

Abaye unsuccessfully challenges the principle that one does not receive lashes for violating a prohibition if the prohibition can be rectified by a positive command.

Another unsuccessful challenge to this principle is presented.

### 4) Actively violating a prohibition (cont.)

(Continued on page 2)

## REVIEW and Remember

1. What is the source that one should receive lashes for giving terumah before bikkurim?  
 \_\_\_\_\_

2. How does the Gemara prove that R' Elazar maintains that one who gives terumah before bikkurim is subject to lashes?  
 \_\_\_\_\_

3. What is a לעשה הניתק לעשה?  
 \_\_\_\_\_

4. What is the point of dispute between R' Yehudah and R' Yaakov?  
 \_\_\_\_\_

## Distinctive INSIGHT

*Temurah is a negative commandment associated with a positive mitzvah*

והא מימר דלאו שניתק לעשה הוא ולקי

The Gemara notes that the prohibition to exchange a sanctified animal for a different animal is a mitzvah which is connected to a positive commandment. Based upon this observation, the Gemara questions why lashes are given to someone who commits this sin, because the rule is that there are no lashes given for a negative commandment which is connected to a positive commandment.

The commentators point out that the Torah does not actually list a positive commandment which is fit to be performed to correct for the sin of temurah. The posuk does say that after an owner declares that an animal shall be exchanged for his sanctified animal, "it and its exchange shall be holy." This is more a statement of condition rather than a mitzvah which may now be done once the violation has been committed, but this is still enough for the Gemara to say that lashes should not be given.

If we were to say that the reason the Torah does not apply lashes when a negative command is associated with a positive mitzvah is that the positive opportunity is a correction and atonement for the sin, we would have to say that the situation regarding temurah does not fit this mold. The person who made the exchange has no specific command to do anything which would correct for his illegal declaration. The condition of sanctity which applies to the newly-designated animal is not a correction for the improper statement of temurah, but rather a fulfillment of the undesired words of exchanging one animal for another.

We must say, then, that the reason lashes are not administered when a negative command is associated with a positive mitzvah is that this combination is not similar to the prohibition of muzzling an animal, which is the prototype of a negative mitzvah where the Torah teaches us when lashes are to be meted out.

This, then, is how to explain the question in our Gemara. Although temurah entails a negative commandment, and although in this case of illegal speech a punishment of lashes may be applied, we are still dealing with a case where the violation does not match the type of sin which is set by the example of muzzling an animal. Here, there is a positive commandment of the animal's becoming sanctified due to this person's declaration, and we do not find anything corresponding to this in the case of muzzling an animal, so the law of lashes should not apply. ■

# HALACHAH Highlight

## Writing God's Name in vain

אלא אי אמרת מוציא שם שמים לבטלה וכו'

But if you think it refers to one who says God's Name in vain etc.

Someone had a gold signet ring that contained a precious stone upon which the Name of God protruded. Chavos Yair<sup>1</sup> was asked whether it is permitted to use this ring for one's signet ring or not. The first issue Chavos Yair addressed was whether the prohibition against using God's Name in vain is violated when speaking or even if one writes God's Name in vain. He answers that the general rule for halachic matters is that writing is not the same as speaking. Evidence for this can be inferred from the pasuk (Shemos 3:15), *זה שמי לעולם* – this is my Name forever, and Chazal (Pesachim 50a) understand this to mean that we do not pronounce the Name of God the same way that it is written. Clearly, it is acceptable to write God's Name in a way that it may not be pronounced. Although Rema<sup>2</sup> writes that it is prohibited to write the Name of God anywhere other than in *sifrei kodesh* since it could become disgraced, the prohibition is not that one is writing God's Name in vain, the concern is that it is disrespectful.

Chasam Sofer<sup>3</sup> also writes that it is obvious that one

(Overview...continued from page 1)

It is suggested that the question of whether one receives lashes for violating a prohibition that does not involve an action is subject to a debate between Tannaim.

R' Yaakov's position is clarified.

### 5) When the Torah says, "Do not do"

Abaye and Rava disagree whether an act that one does in violation of the Torah is effective. According to Abaye it is effective whereas according to Rava it is ineffective. ■

does not violate the prohibition against saying God's Name in vain unless he pronounces the Name but writing God's Name does not violate a prohibition. He adds that if one examines our Gemara carefully he will realize that the prohibition against cursing someone with the Name of God and the prohibition against taking a false oath with the Name of God are subsets of the prohibition of saying God's Name in vain. Although one who merely says God's Name in vain is not liable to lashes one who uses God's Name in vain to curse or swear falsely has been even further disrespectful and for that reason is liable to lashes. Consequently, just as there is no Torah prohibition against writing God's Name in vain so too one would not receive lashes for cursing a friend or swearing falsely in writing, using the Name of God. ■

1. שו"ת חות יאיר ס"י ט"ז.

2. רמ"א יו"ד ס"י רע"ו סעי' י"ג.

3. שו"ת חתם סופר ס"י רכ"ז ד"ה והנראה לענ"ד. ■

# STORIES Off the Daf

## Kosher Money

כל מילתא דאמר רחמנא לא תעביד אי עביד לא מהני מידי

The Aryeh Sha'ag, zt"l, taught a practical lesson from a statement on today's daf. "The Da'as Zekeinim writes that one who profits financially through falsehood will not gain anything from the extra money. This is the meaning of the gemara in Temurah 4 that one who acts contrary to the Torah has accomplished nothing. He may appear to have profited, but in truth he gained nothing at all."<sup>1</sup>

The Chofetz Chaim, zt"l, explained

similarly regarding Shabbos desecration. "Shabbos desecration can cause one to lose all of his money. One reason why some very wealthy people lose everything in a short time is the rampant Shabbos desecration in our times. Shabbos desecration can cause one to lose his assets even if he didn't earn money on Shabbos; how much more damaging is money gained through *chilul Shabbos* itself!

"Kosher money earned through observance of halachah is protected from loss. Money earned by desecrating the Shabbos is vulnerable to all the vicissitudes of life, sure to cause suffering and to drain away even kosher money in the end. Like infected blood which damages one's entire system that

must be flushed with the proper medicines, non-kosher money negatively affects all of one's assets and can cause him to lose everything at any time."<sup>2</sup>

But of course the question is: what about those who worked on Shabbos, became very wealthy and did not lose their money? How can we understand this from a Torah perspective? When someone asked the rebbe of Zhvil, zt"l, a similar question he replied, "If one acts in a way that can cause him to lose his money, sometimes he loses in another area. For example, he loses *nachas* from his children or pays with ill health, God forbid!"<sup>3</sup> ■

1. אריה שאג, ח"ב, ע' שמ"א

2. שם עולם, ח"א, פ"ו

3. שיח זקנים, ח"ג ע' תל"ג ■