

OVERVIEW of the Daf

1) When the Torah says, "Do not do" (cont.)

The Gemara unsuccessfully challenges Rava's position, that an action against the Torah's instruction is ineffective, from the case of a rapist who divorces his wife.

How Abaye explains the pasuk is presented.

A second version of this exchange is recorded.

The Gemara unsuccessfully challenges Rava's position from the case of one who separates inferior produce as terumah for superior produce.

Abaye's interpretation of the relevant pasuk is explained.

Abaye's position that an action against the Torah's instruction is effective is unsuccessfully challenged from the prohibition against separating one type of food as terumah for another type of food.

Rava's explanation of the relevant pasuk is presented.

Abaye's position is unsuccessfully challenged from the prohibition against selling or redeeming cherem property.

Rava's explanation of the relevant pasuk is recorded.

Rava's position is unsuccessfully challenged from the prohibition against making a temurah.

Abaye's interpretation of that pasuk is explained.

Abaye's position is unsuccessfully challenged from the prohibition against redeeming a bechor.

The exchange between Abaye and Rava that revolves around the bechor pesukim is presented.

Abaye's position is unsuccessfully challenged from the prohibition against redeeming a ma'aser animal.

Rava's position is unsuccessfully challenged from the prohibition against separating terumah before bikkurim.

Abaye's interpretation of the relevant pasuk is presented.

Rava's position is unsuccessfully challenged from the prohibition against a kohen gadol's marrying a widow.

Abaye's explanation of that pasuk is recorded.

Rava's position is unsuccessfully challenged from the prohibition against sanctifying a blemished animal as a korban.

Abaye's interpretation of that pasuk is explained.

The Gemara begins another unsuccessful challenge to Rava's position from the prohibition against sanctifying an unblemished animal for Beis HaMikdash upkeep. ■

Distinctive INSIGHT

Designating inferior produce as terumah—the act is valid

הוה אמינא הכי אמר רחמנא עביד מצוה מן המובחר, ואי לא עביד חוטא לא מיקרי, קמ"ל

The Gemara (4b) presented a classic disagreement between Rava and Abaye regarding how we define the commission of an act which the Torah prohibits. Abaye contends that although the Torah instructs that this act not be done, if a person violates the Torah's directions and commits that act, the action is valid, and the person is liable for the appropriate punishment. Rava notes that the person acted in violation of the Torah's demand that this act not be done. Accordingly, Rava contends that the act has no legal validity, but a punishment is fitting for the person's attempt to do that which the Torah said not to do.

On our daf, the Gemara refers to many halachos in order to resolve this issue. One of them is the law of separating terumah from one's grain, where the Torah says good quality grain must be taken as terumah, and that one should not designate inferior quality product as terumah for fine quality produce. The posuk states (Bamidbar 18:32), "You shall not bear a sin for it when you set aside its best," yet, the Mishnah (Terumos 2:6) teaches that if a person does set aside poor quality produce as terumah, his actions are valid. This presents a challenge to the view of Rava, who said that actions in violation of the Torah's wishes have no validity.

Rava answers that the case of terumah is an exception, as the Torah itself says the person who designates this undesirable terumah has done a sin. As R' Ila'ah said, if the act is not valid, how can this be called a sin?

Abaye understands that although this act of separating inferior produce is valid, it is still important that the Torah call it a sin, because we might have otherwise thought that

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REVIEW and Remember

1. What is derived from the phrase ולא תשארו עליו חטא?
2. What is the source that one may not separate terumah from one type of food for another type of food?
3. Explain the principle עולין אין מבטלין זה את זה.
4. What is the source that kiddushin takes effect when a Kohen gadol marries a widow?

HALACHAH Highlight

Slaughtering in violation of a vow

הרי אלמנה לכהן גדול

What about the case of a Kohen Gadol who married a widow?

There was once a slaughterer who made a vow that following an initial period of four weeks he would only slaughter with another slaughterer present. After the four weeks the matter was completely forgotten and the slaughterer continued to slaughter without anyone else present. At some point a written record of the vow was found and the residents of the town inquired whether the animals that he slaughtered were neveilos and whether they had to kasher all their pots. The essence of their question was based on the fact that we follow Rava's position that an action performed in violation of a prohibition is ineffective. Therefore, since the slaughterer violated his vow when he slaughtered without another slaughterer present perhaps the slaughter is ineffective and the animal should be considered a neveilah.

Teshuvos Avnei Nezer¹ answered based on a comment of Rashba that Rava's principle **אי עביד לא מהני** does not apply to slaughtering. Rashba asserts that if the Torah teaches that an action is effective even once despite the fact that the action involved a prohibition that reveals that the action is effective even if one violates other prohibitions while performing that action. Therefore, the principle of **אי עביד לא מהני** does not apply to kiddushin since the Torah teaches that kid-

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this misconduct is not preferred, and that the person has missed the opportunity to do a choice mitzvah. Now, however, that the Torah calls this a sin, taking poor quality produce as terumah is a full sin.

What is the significance of an act being just "prohibited" or being a full "sin"? Sefer Peirushim v'Chiddushim explains that if this is a sin, when a person finally distributes his terumos and ma'asros, he would not be able to declare the viddui and say, "I have done all that You commanded." If he just avoided performing a choice mitzvah, he has done nothing wrong and he can still say the viddui. Another practical difference is where someone sent an agent to remove poor quality produce as terumah. If it is a sin, one may not be an agent to perform a sin. If it is just the lack of a choice mitzvah, an agent may perform the terumah designation in this manner. ■

dushin takes effect when a kohen gadol marries a widow. Accordingly, in all cases of kiddushin the action takes effect even if it involves the transgression of a prohibition. Avnei Nezer applies this principle to the case of slaughtering as well. Since our Gemara teaches that slaughtering a korban outside of the Beis HaMikdash is effective in that the slaughtered animal is not considered a neveilah despite the prohibition that was involved, so too, any time someone violates a prohibition while slaughtering the principle **אי עביד לא מהני** does not apply and the slaughter is effective. ■

1. שו"ת אבני נזר יו"ד סי' י"ב. ■

STORIES Off the Daf

The Parshah of Gittin

אונס שגירש

Today's daf discusses a case of one who is forbidden to divorce his wife.

Sh'lom bayis is a very complex area which requires much finesse and understanding. One must be very deft with a couple facing challenges in their marriage. Teaching each spouse to understand the other's point of view and how to explain his or her own perspective without making judgments is essential when trying to establish good sh'lom bayis.

Although the Sichos HaRan, zt"l,

writes that, in general, one should not divorce his wife unless compelled to by the halachah, there are certainly exceptions to this rule. Some people—even those with experience working with couples—believe that every rift in a marriage can be healed. According to that view, if a couple did not make their marriage work it must have been that one or both were unwilling to work hard enough to build their relationship. Although this is true in the vast majority of cases, there are times when the best option does seem to be divorce.

A certain ben Torah worked with a husband and wife who had many areas of conflict, and tried his best to heal their relationship. When his efforts turned out to be of no avail, he brought

them to the Chofetz Chaim, zt"l, for assistance. After they had explained all of their many issues, the Chofetz Chaim suggested that they get a divorce. The astounded ben Torah could not contain himself. "How could it be that you won't even try to make peace between them?"

The Chofetz Chaim explained. "If you are correct that in every situation divorce is avoidable, why did God give the parshah of voluntary divorce in the Torah? Clearly the Torah provided the halachos of gittin because sometimes the only way to bring peace to this couple is to allow them to divorce and go their separate ways!"¹ ■

1. דוגמא מדרכי אבי, ע' ל"ב. ■