

OVERVIEW of the Daf

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

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

Rava's position is unsuccessfully challenged from the prohibition against stealing.

Abaye's explanation of the relevant pasuk is presented.

Rava's position is unsuccessfully challenged from the prohibition against taking a security illegally.

Abaye's understanding of the pasuk is explained.

Abaye's position is unsuccessfully challenged from the prohibition against not leaving pe'ah.

Rava's interpretation of that pasuk is recorded.

R' Ashi explains the case where there is a practical difference between Abaye and Rava.

R' Acha the son of Rava rejects this interpretation and offers another suggestion of the practical difference between Abaye and Rava.

Alternatively, they disagree only on how to respond to the above challenges but there is no practical difference between them.

A second version of the Gemara's search for the practical difference between Abaye and Rava is presented.

2) Consecrating a blemished animal

A Baraisa presents the source for the prohibition against consecrating a blemished animal as a korban.

Another Baraisa is cited to explain the previously-cited Baraisa.

A contradiction between the previous Baraisa and another Baraisa is noted as to whether the term לה includes the goat sent to Azazel or not.

Rava explains that the meaning of the term לה depends upon its context.

The possibility of using a blemished goat for the goat sent to Azazel is questioned.

R' Yosef suggests one explanation.

This explanation is successfully challenged and R' Yosef offers an alternative suggestion.

Rava suggests another explanation. ■

Distinctive INSIGHT

Practical differences between the opinions of Abaye and Rav
 אביי ורבה במאי פליגי

Abaye and Rava disputed the significance of an act which is done in defiance of the Torah's command not to perform that act. Abaye holds that the act is valid, although the Torah instructed us not to do it. Rava contends that an act done in violation of the Torah's warning not to do it is legally invalid. The Gemara cited fourteen examples of halachos which challenged either Rava or Abaye, and every case was explained adequately according to both opinions. On our daf, R' Acha b. Rava asked R' Ashi that if Abaye and Rava both agree with each other in all cases, then what halachic disagreement would there be between Abaye and Rava?

The Gemara answers that the difference between Abaye and Rava is in the logical approach how we view one who changes and acts in violation of the Torah's command.

Tosafos presents a suggestion and wonders why the Gemara does not note the following practical difference between Abaye and Rava. If a man took an oath that he would not divorce his wife, and then, in violation of his oath, he divorced her. According to Abaye, the divorce would be valid. Although the divorce was done in violation of the Torah's rule not to go against an oath, Abaye says that the act is legally valid. Rava, however, would say that the giving of the divorce would not be recognized.

Tosafos answers that the Gemara did not offer this suggestion because in this case, even Rava would say that the divorce is valid. The Torah did not prohibit this divorce, but it is ra-

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REVIEW and Remember

- How does one acquire stolen property?
- What is the practical point of dispute between Abaye and Rava?
- How many transgressions does one violate when he consecrates and offers a blemished animal?
- Does the לה include or exclude the goat that is sent to Azazel?

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HALACHAH Highlight

A gentile charging interest

הוקשו מלוי רבית לשופכי דמים

It equates those that lend with interest to those that murder

Rava quotes a pasuk in Yechezkel (18:13) that compares those who lend money with interest to those who murder. Piskei Tosafos¹ explains that one who lends money with interest is considered as though he has taken the soul of the borrower. He then explains that the priestly garments cannot actually atone for the three cardinal sins of idolatry, illicit relations and murder and when the Gemara Zevachim (88b) states that the priestly garments atone for these sins the intent is for those transgressions that are identified as similar to the three cardinal sins. For example, one who loans money with interest is considered similar to a murderer or one who counts out his money as he pays a female clerk so that he could gaze at her is comparable to one who had illicit relations.

Maharsham² suggests that according to Piskei Tosafos it should be prohibited for a gentile to lend money to another gentile with interest since gentiles are also prohibited to murder which is one of the seven Noahide laws and loaning money with interest is comparable to murder. He then cites Teshuvav Shvus Yaakov who writes that a gentile is not prohibited from exploiting someone in business - *ona'ah*. Maharsham expresses surprise that Shvus Yaakov did not cite Piskei Tosafos who would rule that gentiles are prohibited from charging interest or exploiting others in business. Along the same lines Tzafnas Paneach³ rules that gentiles are also included in the prohibition of *השחתת זרע* since they are prohibited from committing murder and cites Piskei Tosafos as the basis for this ruling. Maharsham then notes that whether gentiles are

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ther the husband who created his own restriction not to divorce his wife due to the oath which he took. K'tzos HaChoshen (208: #1) explains the approach of Tosafos. Earlier (5a), Tosafos said that Rava agrees that in cases of divorce, even when it is done in a manner which is against the Torah, the divorce is valid because we find an association between divorce and a husband's death. Just as the husband's death permits the wife to remarry at large, so too does a divorce allow her to remarry, and we do not cancel a divorce due to the argument that it was done against the Torah's wishes. The point is that Rava would require that the husband remarry his own wife, because the divorce cannot be allowed to be sustained. This is similar regarding a man who attacked a woman and had to marry her, where he must remarry her if he divorces her. Tosafos therefore explains that there the Torah itself prohibits the divorce, as opposed to here where the man imposed a personal limit not to divorce his wife.

Based upon the question of K'tzos HaChoshen, R' Akiva Eiger says that Tosafos did not mean that a vow not to divorce one's wife is the case where Abaye and Rava disagree, but rather a parallel case, such as where a person vowed not to sell an item. According to Abaye he may sell it, but Rava would not validate such a sale. ■

prohibited from charging interest depends on two answers found in Tosafos⁴. According to one approach since charging interest is a subset of theft a gentile is also prohibited from charging interest whereas according to the second explanation charging interest is not a subset of theft and a gentile may charge interest. ■

1. פסקי תוס' לגמ' זבחים פ"ח: סי' נ"ד.
2. משפט שלום סי' רכ"ז סעי' א' הג"ה אות א'.
3. צפנת פענח איסורי ביאה פכ"א ה"ט.
4. תוס' ב"מ ע: ד"ה תשיך. ■

STORIES Off the Daf

Difficult Questions

ברבית קצוצה קמפליגי

Today's daf discusses the halachos of taking interest.

The Midrash writes, "Come and see— one who gives tzedakah to the poor and does not lend for interest is considered to have fulfilled all of the mitzvos..."¹

God gives us everything as a free gift. The actions of one who takes interest from his fellow broadcast some questions to God that could make our lives very diffi-

cult: 'Why don't You take compensation for the world? Why not have people pay for the land that You water freely? Why shouldn't they pay for the plants that You cause to grow? And what about the sun and the moon and stars which give light? How about each person's soul which You keep in his body? Shouldn't one have to pay for that service? Isn't one obligated to pay for his body as well?'

God says to these people, "Look how much I give to the world and I take nothing extra at all. When the time comes I take the principal, but no interest!"

"Woe to the one who takes interest!"² God says: "One who lived on interest in

this world will not live in the next."³

Rabbeinu Yonah comments about one who takes interest. "One who lends for interest will lose all of his money. Even money earned by the sweat of his brow, which he earned by his hard work, can be completely destroyed by a penny of interest. Our sages warn that although usually even one who sins will have a defending angel to advocate for the good he did, one who lends for interest will have no one to defend him."⁴ ■

1. שמות רבה, ל"א ו'.
2. שם, ל"א ט"ו.
3. שם, ל"א ו'.
4. אגרת התשובה, דרוש א', המדרש משמו"ר, ל"א י"ג.