



## OVERVIEW of the Daf

### 1) Clarifying Ben Besairah's position (cont.)

The Gemara continues its attempt to refute Ben Besairah's understanding that the term **בין הערבים** refers to the period between two consecutive nights until it finally succeeds.

R' Yochanan offers an alternative explanation of Ben Besairah's position.

R' Avahu rejects this explanation and offers an alternative explanation.

Abaye and R' Pappa also offer their own explanations of Ben Besairah.

R' Zeira and R' Avahu discuss whether according to R' Yochanan living things become rejected.

Three principle are derived from R' Yochanan's position.

### 2) Rejection

Ulla in the name of R' Yochanan rules that if a person became a mumar after setting aside a Chatas the animal is permanently rejected.

R' Yochanan is quoted as ruling that if a person became insane after setting aside a Chatas the animal is permanently rejected.

The necessity for both rulings is explained.

R' Yirmiyah inquired about a case where a person ate cheilev and before bringing his korban Beis Din ruled that cheilev is permitted. Is the Chatas considered permanently rejected as a result of this erroneous ruling?

An elder responded that this case is the clearest example of a korban becoming permanently rejected.

### 3) Shimon ben Azzai's position

The Gemara clarifies Shimon ben Azzai's use of the term **זקן**.

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## REVIEW and Remember

1. When given the choice, which come first: Musaf or Mincha?  
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2. Explain **לילה אין מחוסר זמן**.  
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3. Why does R' Yochanan need two cases to establish his principle?  
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4. How does R' Huna explain Ben Azzai's position?  
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## Distinctive INSIGHT

*An animal of partners which is consecrated intermittently*

בהמה של שני שותפין הקדיש חציה וחזר ולקח חציה והקדישה

**R'** Yochanan teaches that if one of the partners who own an animal consecrates his part of the animal, only that part of the animal becomes consecrated, and we do not say that the holiness spreads throughout the entire animal's body. This is in contrast to the case in Kiddushin (7a) where we find that when a person who owns an animal declares that the leg of the animal is designated for an offering the halacha is that the consecration spreads throughout the entire animal. The difference is that if the entire animal is owned by one person, there is nothing stopping the holiness from spreading beyond the one part of the animal that was consecrated. If the animal is owned by two or more people, each owner has his own outlook and opinion regarding his property. When one partner makes a declaration regarding his portion, this does not automatically mean that the other partners agree to consecrate their part as well.

Tosafos (Gittin 43b) questions the next case in our Gemara, where one partner consecrated his share in the animal, and he subsequently bought out his partner's interest in the animal. At this point, we say that the new owner would have to declare the next part of the animal to be consecrated, and we do not say that the initial holiness spreads automatically to the rest of the animal even though the entire animal now belongs to him alone. Tosafos cites a precedent for his line of question, as the Gemara in Gittin (ibid.) discusses a case where a man presented kiddushin to a woman who was half free and half a maidservant. The kiddushin only applies to the half of the woman which was free. If the other half of the woman becomes released from her bondage, the kiddushin which had taken affect now spreads to the rest of the woman which is now available for this status. Here, too, notes Tosafos, we should say that the consecration which took hold to half of the animal should spread throughout the animal after the partner buys the second part of the animal.

Tosafos answers his question by pointing out a difference between offering kiddushin to a woman and consecrating an animal. Kiddushin only has meaning in regard to a full person. The verse speaks about a man betrothing a woman, and not half of a woman. The status of being a

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# HALACHAH Highlight

## Davening Mincha before Mussaf

הלכה מתפלל של מנחה ואחר כך מתפלל של מוספין

The halacha is that one should daven Mincha and then he should daven Mussaf

The Gemara addresses the case of one who has to daven Mussaf and Mincha and rules that he should daven Mincha and then Mussaf. Rashi<sup>1</sup> writes that the Gemara refers to a case in which a person delayed and did not daven Mussaf until the time to daven Mincha arrived. The reason one should daven Mincha before Mussaf is based on the principle that precedence is given to that which occurs with greater frequency (See Berachos 27a).

Poskim discuss circumstances in which one should daven Mussaf ahead of davening Mincha. Rambam<sup>2</sup> mentions that there are those who maintain that if a tzibur faces this circumstance they should daven Mussaf ahead of Mincha so that it should not cause someone to err in the future. In other words, there is a fear that on another day someone may daven Mincha before Mussaf even though it is too early to daven Mincha erroneously thinking that one should always daven Mincha before Mussaf.

A second circumstance is mentioned by Rosh<sup>3</sup>. He writes that the requirement to daven Mincha before Mussaf applies only when one is interested in davening both tefilos at the same time. In such a case one is required to prioritize

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maidservant prevents the kiddushin from spreading, but as soon as it is removed, the kiddushin automatically completes its course. Consecration of an animal can apply to part of an animal. The original designation of one half of the animal is a stable condition, and when the remaining part of the animal is bought from one's partner, there is no reason to have the original consecration automatically extend further. ■

Mincha ahead of Mussaf since Mincha is more frequent. An example of this would be when one wants to eat a meal. Since there is a prohibition to eat a meal before davening Mincha one has no choice but to daven Mincha and therefore it must come first. If, however, one has no interest in davening Mincha now, it is acceptable for him to daven Mussaf first and Mincha later in the afternoon. Tiferes Yisroel extrapolated from this that on Yom Kippur since there is no meal there is no prohibition to daven Mussaf ahead of Mincha. Mishnah Berurah, however, writes that on Yom Kippur one should make an effort to begin Mussaf before six and a half hours into the day so there won't be a question of whether one should daven Mincha first. בדיעבד, as long as the time for Mincha Ketanah has not yet arrived he rules that Mussaf should precede Mincha. ■

1. רש"י ד"ה הלכה.
2. רמב"ם פי"ג מהלי תפילה הי"א.
3. רא"ש ברכות פי"ד סי' ח'.
4. תפארת ישראל שם אות י"ו.
5. מ"ב סי' תר"כ סק"ב. ■

# STORIES Off the Daf

## Preparing for the Day to Come

"הא כיצד לילה לקדושה יום להרצאה..."

It is well known that one does not fulfill the mitzvah of tzitzis at night, as we find in Menachos. The Rambam and the Rosh argue about the exact meaning of this Gemara. While the Rosh learns that this applies only to a night garment which isn't obligated in tzitzis even by day, the Rambam says that it means what it says literally. According to this opinion, tzitzis is not an obligation at night even on a garment one wears during the day.

When a certain person learned this

machlokes, he wondered whether one could even make tzitzis at night. After all, according to the Rambam wouldn't that be like attaching tzitzis to a three-cornered garment and then attaching the final corner? Just as this is pasul, since tzitzis must be attached to a four-cornered garment that is obligated in tzitzis, the same is apparently true in this case.

But when this question reached the Pri Megadim, zt"l, he ruled that even tzitzis that were made at night were permitted. "This is clear from Zevachim 12. There we find that an animal may be sanctified on the night before it is eight days old, even though it cannot be brought at night, since it is permitted to offer it the very next day. Similarly, one

may make tzitzis at night, even though it cannot be worn at night, since it will be fitting to wear them the very next day."<sup>1</sup>

When Rav Yosef Shalom Eliyashiv, zt"l, was asked about whether one can rely on this opinion practically, he replied, "One should not make tzitzis at night. But if one did so, the tzitzis are kosher."<sup>2</sup> ■

1. פמ"ג, או"ח, סי' י"ח, משב"ז, ס"ק א'.
2. אליבא דהלכתא, גליון 17 ■

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R' Huna explains the rationale behind Ben Azzai's position.

This explanation is rejected and an alternative explanation for Ben Azzai's position is suggested.

This explanation is challenged. ■