

OVERVIEW of the Daf

1) The dispute between Tanna Kamma and R' Yehudah (cont.)

The Gemara successfully rejects the challenge to R' Yochanan's assertion that the dispute between Tanna Kamma and R' Yehudah applies whether the intent occurred over two services or even if it was only in one service.

Ilfa's position that the dispute is limited to two services is successfully challenged.

2) Two declarations

A Mishnah presents a dispute about the halacha when a person declares, "Behold this is a temurah for an Olah, temurah for a Shelamim."

The Gemara inquires about the halacha if he declares that the animal is a temurah for an Olah and a Shelamim.

Abaye and Rava disagree whether the dispute would apply even to this case or perhaps all opinions agree in this case that both designations take effect.

The exchange between Abaye and Rava about this matter is recorded.

The Gemara relates that R' Shimi bar Ashi cited a Baraisa in support of Abaye whereas R' Huna bar Nosson cited a Baraisa in support of Rava.

R' Dimi asserts that R' Meir's position follows R' Yehudah who maintains that when a person makes two statements we follow his first statement.

Abaye challenges this assertion based on a statement of Rabba bar bar Chana in the name of R' Yochanan that R' Meir and R' Yosi agree that we do not follow a person's first statement.

The Gemara presents the discussion between Abaye and

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REVIEW and Remember

1. What is the point of dispute between R' Meir and R' Yossi?

2. What part of the act of slaughtering is legally significant?

3. How does R' Yitzchok bar Yosef in the name of R' Yochanan explain the dispute between R' Meir and R' Yossi?

4. What is the difference whether the Mishnah reads כזית כזית or כזית וכזית?

Distinctive INSIGHT

To what extent does R' Meir say that we "grab the first statement"?

איבעיא להו הרי זו תמורת עולה ושלמים מהו

The Mishnah (29b) discussed situations where more than one improper intention was expressed while an offering was being brought. The Gemara analyzed whether these multiple intentions were stated during one service or during two different services.

R' Yehuda holds that within one service the first expression of intent which is stated is the one which is heeded. According to R' Yochanan, the reason for this is that we use the rule "תפוס לשון ראשון"—grab the first statement."

The Gemara expands upon this view by citing a Mishnah from Temura (25b): A person brings a non-consecrated animal and stands it next to two consecrated animals, one of which is a olah and the other a shelamim. He then declares "This animal will be an exchange for Olah and an exchange for a Shelamim." R' Meir says the unconsecrated animal is now the exchange for an olah. This was the person's first statement, and this is what is accepted. R' Yose disagrees and says that the unconsecrated animal is half-olah and half-shelamim.

The Gemara presents an inquiry which was advanced by the students in the yeshiva to understand the view of R' Meir. Perhaps he uses the rule "grab the first statement" only because the person said the word "an exchange for—תמורת" twice, but he might agree that we accept the entirety of a person's statement in other cases. For example, what would R' Meir say in the same case where the person referred to the unconsecrated animal and said, "This animal shall be an exchange for an olah and shelamim." Would this be as one phrase and cause the animal to be a half-olah-half-shelamim, or would the sanctity descend upon the animal as soon as he says, "an exchange for an olah," and there would be no significance to the end of the statement, "for a shelemim" to have any effect?

Rashi explains that the Gemara's question is that perhaps R' Meir interprets the double expression "exchange" to indicate that the person is reversing his decision, as opposed to here, where he said "exchange" only once, so both parts of the statement here are understood to be fully intended. According to this approach, the Taharas HaKodesh explains that we are not allowing a reversal of one's statement even though the second remark was issued within כדי דיבור of the first statement.

Abaye and Rava argue regarding how this issue is resolved. ■

HALACHAH Highlight

Eating Hillel's sandwich

הרי זו תמורת עולה תמורת שלמים

Behold this is the temurah of an Olah the temurah of a Shelamim

The Gemara cites the opinion of R' Yosi who maintains that if a person declared, "This is the *temurah* of an Olah the *temurah* of a Shelamim," and he had in mind to make it both, the animal is considered to have the sanctity of both korbanos. The reason is that it is not possible to make both declarations simultaneously so he had to put one before the other. Tosafos¹ challenges this position from the principle that any time one can not do two things consecutively the two things can also not be done simultaneously. Applied to this case, we would say that since he can not make the animal into the *temurah* of an Olah and then the *temurah* of a Shelamim because once the animal has been designated as one type of korban it cannot become something else. The principle would then teach that one should not be able to make both declarations together. Tosafos answers that the principle that two things that can not be done consecutively etc. is limited to where the effects of the two things are contradictory. For example, where a man wants to betroth two sisters, the effectiveness of the first betrothal precludes the second betrothal from taking effect. In our case, however, it is not that the two designations, Olah and Shelamim, contradict one another; the issue is that once the animal has been designated it cannot be designated as something else.

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R' Dimi about this matter.

3) Clarifying the Mishnah

The Gemara inquires whether the Mishnah reads כזית כזית or כזית וכזית.

The intent of the inquiry is clarified.

A discussion between Rabbi and Levi is cited that eventually proves that the correct reading of the Mishnah is כזית וכזית. ■

Taz² cites a question asked by Maharal of Prague. According to Hillel one is required to eat the Korban Pesach, matzo and marror together and eating them separately would not fulfill the mitzvah. The difficulty with this position is that it violates the principle that when things can not be done consecutively the two things can also not be done simultaneously. Accordingly, eating the korban, matzo and marror together should not fulfill the mitzvah since the mitzvah is not fulfilled if they are eaten consecutively. Rav Shlomo Kluger³ answers this question based on the explanation of the principle presented by our Tosafos. The reason the mitzvah is not fulfilled if one eats these foods simultaneously is not that they are contradictory to one another; rather the reason they are not eaten consecutively is that Hillel is of the opinion that the mitzvah is to eat them together. As such, it does not violate the principle of, any time two things cannot be done consecutively etc. ■

1. תוס' ד"ה דבריו קיימים.

2. ט"ז או"ח סי' תע"ה סק"ב.

3. שו"ת האלף לך שלמה השמטות סי' ל"ט. ■

STORIES Off the Daf

"He Must Cry Out in Protest"

"אם כן מירתח רתח..."

Rav Yechiel Michel Feinstein, zt"l, recounted a deep lesson he had learned from his father-in-law, the Brisker Rav. Once, when the talmidim were in the Brisker Rav's house, the conversation turned to the Ravad's frequent lambasting of the Rambam's opinion. The Ravad seems to pull no punches where the Rambam is concerned, using very insulting language. What could be behind such harsh words?

Rav Yechiel Michel proposed a possible reason. "For the Ravad, the Torah

was literally his life. He therefore could not stand it if someone—no matter how great—explained the Torah in a manner which seemed obviously false to him."

Apparently, the Brisker Rav had been listening in, since he immediately entered the room and critiqued his son-in-law's approach. "My father disagreed. He would say that even if the Ravad could not stand the Rambam's approach, he would never have used such strong language to make his case. The reason why the Ravad spoke so harshly about some opinions of the Rambam is the halachah, אין משוא פנים בתורה. There is no favoritism when it comes to arriving at the Torah's truth, even if the result will sound harsh.

"When the Ravad felt that the Ram-

bam's explanation was 'לא נהיר ולא בהיר' — not illuminating, not clear, and not bright—he was obligated to fearlessly say so and not to avoid speaking the truth. This is clear from the Gemara in Zevachim 30. There we find that when Rabbi did not get angry at Levi's question, Levi understood that his question was al pi halachah. He knew that if he had asked according to what was not halachah, Rabbi would indeed have gotten angry. This is not on account of any blemish in Rabbi's middos, chas v'shalom. It is just that this is the way of Torah. When one hears what is not the halachah presented as the halachah he must cry out in protest..."¹ ■

¹עובדות והנהגות לבית בריסק, ח"א, ע' קמ"ד

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