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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishna

Temed (a drink made by steeping the seeds of grapes or sediment from wine in water) before it has fermented may not be bought with ma’aser sheini (a tenth of one’s produce that he brings to Yerushalayim and eats there in the first, second, fourth and fifth years of the Shemitah cycle; it can also be redeemed with money and the money is brought up to Yerushalayim, where he purchases animals for korbanos or food to be eaten there) money (for temed before fermentation is regarded as water and not wine; only food which is nourished from the ground and reproduces may be purchased using ma’aser sheini money) and renders a mikvah invalid (if one used three lugin of temed drawn in a vessel). After it has fermented, it may be bought with ma’aser sheini money and does not render a mikvah invalid.

[The Mishna introduces the kalbon, a small service fee paid to the money changers by each person who donates a half-shekel. The reason why the Torah requires this additional kalbon is since the verse writes ‘they will give this,’ a full half shekel value. If one were to figure in the changers’ fee, then the amount donated will be short of the requirement. Therefore, the Torah added the Kalbon to compensate for the service.] Brothers who are partners (in their father’s inheritance), when they are obligated to pay the kalbon (for they divided it and then formed a partnership; this, therefore, is like any two people who pay their half-shekels together), they are exempt from ma’aser beheimah (tithing of animals; for only an individual is obligated to tithe his animals), and

when they are obligated in ma’aser beheimah, they are exempt from the kalbon. (25b)

Temed

The Gemora asks: Who is the author of our Mishna? It cannot be Rabbi Yehudah nor the Rabbis! For we have learned in a Mishna: If someone mixes water with wine sediments and (after straining the mixture) he finds an equal amount of water to the amount that he put in, it is not subject to the laws of ma’aser (since it is regarded as water, not wine). Rabbi Yehudah says: It is subject to the laws of ma’aser. Now, who is the author of our Mishna? If it is following the opinion of the Rabbis, then even though it has fermented (it should not be purchasable with ma’aser sheini money, for it is regarded as water); and if it reflects Rabbi Yehudah’s opinion, then even though it has not fermented (it should be purchasable with ma’aser sheini money, for it is regarded as wine)!?

Rav Nachman said in the name of Rabbah bar Avuha: Their dispute in that Mishna refers only to the case where it had fermented, and our Mishna is in accordance with Rabbi Yehudah’s opinion. And so, Rabbi Yosi the son of Rabbi Chanina also said that their dispute referred only to the case where it had fermented.

And Rav Nachman said in the name of Rabbah bar Avuha: If a man bought temed with ma’aser sheini money and it subsequently fermented, that which he has purchased acquires the sanctity of ma’aser sheini. This is because it has

been retroactively revealed that from the outset, it was fruit (*juice, and not merely water*).

The *Gemora* asks: But in our *Mishna*, which states that only if it had fermented may it be bought with *ma'aser sheini* money, but if it had not fermented, it may not! Let it be argued that had he let it stand as is, it would have fermented (*and we should follow the majority that it will ferment; this should result in the money losing its sanctity*)!?

Rabbah answered that our *Mishna* deals with a case where the seller left some of it stand in a cup and it did not ferment (*and therefore, we may assume that the *temed* which is not before us also did not ferment*).

Rava, however, answers that the author of our *Mishna* is Rabbi Yochanan ben Nuri. For we have learned in a *Mishna*: Three *log* of (*drawn*) water (*which, would invalidate a mikvah – if it would fall into a mikvah which did not have forty se'ah*) less a *kortov* (*a small amount*) that have a *kortov* of wine fall into it, and the mixture appears like wine, would not cause a *mikvah* to become invalid. [*The only thing that would make a mikvah invalid is water that had been in a vessel, not wine.*]

Three *log* of (*drawn*) water less a *kortov* that have a *kortov* of milk fall into it, and the mixture appears like water, would not cause a *mikvah* to become invalid (*for there is not a complete three *lugin* of drawn water*). Rabbi Yochanan ben Nuri says: It all depends upon the color.

Now, did not Rabbi Yochanan ben Nuri say that we must determine every mixture by its color? Then here also, one ought to determine the mixture by its color, and the taste and color of the mixture (*of this unfermented *temed**) is that of water!

The above view (*of Rav Nachman – that the Tannaic dispute is regarding fermented *temed**) differs from that of Rabbi Elozar, for Rabbi Elozar said: All agree that one may not set aside other *temed* as *ma'aser* for this *temed*, unless this had already fermented.

Evidently, Rabbi Elozar is of the opinion that the dispute between Rabbi Yehudah and the Rabbis refers only to the case where it has not fermented; and when Rabbi Yehudah said that he was liable to separate the *ma'aser*, he only meant that he must set aside some of it (*the unfermented *temed**) itself (*for we are uncertain if it will ferment or not*), but not from other *temed* as *ma'aser* for this, for then he might be setting aside that which is subject to *ma'aser* (*for this particular *temed* might ferment*) as *ma'aser* for that which is exempt (*for this particular *temed* might not ferment*), or that which is exempt for that which is subject to *ma'aser*.

The *Gemora* cites a *braisa*: *Temed* before it has fermented (*that has become *tamei**) can be rendered *tahor* by bringing it into contact with the water of a *mikvah* (*the immersion here is valid based upon "hashakah," which means that any water connected to the mikvah water is regarded as being part of the mikvah*); after it has fermented, it cannot be rendered *tahor* by bringing it into contact with the water of a *mikvah* (*for the principle of "hashakah" applies only to water, not to wine*).

Rava said: This law applies only if the *temed* was made with water that was *tahor* and it subsequently became *tamei*, but not if the water was *tamei* from the outset.

Rav Gevurah of Bei Kasil went and said this statement to Rav Ashi, and then raised the following question: Why doesn't the law apply if the water was *tamei* from the outset? Isn't the reason because we say that the water, being heavy, will sink to the bottom of the container, while the fruit extract, being light, will float on the top of the water, and consequently, the contact made with the waters of the *mikvah* will be of no effect (*for only the fruit extract is in contact with the mikvah, not the *tamei* water*). If so, shouldn't the same reasoning be applied to the case where the water was first *tahor* and subsequently became *tamei*? Rather, it must be that they mix well together (*and one does*

not remain on top of the other); then, here as well, we should say that they mix well together! (26a – 26b)

Mishna

Anytime that the father has a right to sell (*as a maidservant*) his daughter (*when she is a minor*), there is no fine (*when she is violated, for that is only when she is a na'arah*); and anytime there is a fine, her father cannot sell her. (26b)

Minor and Na'arah

Rav Yehudah said in the name of Rav: The *Mishna's* words are in accordance with Rabbi Meir, but the *Chachamim* maintain that a girl can be entitled to a fine even though she can still be sold, for we learned in the following *braisa*: Concerning a minor girl from one day old until she produces two pubic hairs; her father is entitled to sell her as a maidservant, but she is entitled to a fine. Concerning a girl who produced two pubic hairs until she reached the state of *bogeres* (*generally, from twelve years and one day until twelve and a half*); she is entitled to a fine and her father does not have the right to sell her as a maidservant. These are the words of Rabbi Meir, for Rabbi Meir says: Anytime that the father can sell her, she does not receive a fine; and anytime she does receive a fine, her father cannot sell her. The *Chachamim* say: Concerning a minor girl from three years and one day old (*the age where she is fit for cohabitation*) until she reached the state of *bogeres*; she is entitled to a fine.

The *Gemora* asks: The *Chachamim* said that she is entitled to a fine. May we infer from there that the father has no right to sell her?

The *Gemora* answers: No! There is a fine at this age besides the right of the father her to sell her as a maidservant. (26b)

Mishna

[A girl whose father had died could be given in marriage while still a minor (under the age of twelve) by her mother or older brother. This marriage is only valid Rabbinically. As long as she has not attained the age of twelve, she may nullify the marriage by refusing to live with her husband. This act of refusal, referred to as *mi'un* nullifies the marriage retroactively.] [When a man dies childless, his brother has a mitzvah to perform *yibum*; if he declines, she submits to *chalitzah*, i.e. she removes his shoe, spits before him and declares that he does not want to marry her.] Whenever there is the right of refusal, there can be no *chalitzah*, and when there can be *chalitzah*, there is no longer the right of refusal. (26b)

Mi'un and Chalitzah

Rav Yehudah said in the name of Rav: The *Mishna's* words are in accordance with Rabbi Meir, but the *Chachamim* maintain that there is a right of refusal even when there can be *chalitzah*, for it has been taught in a *braisa*: Until when can a girl perform *mi'un*? Rabbi Meir says until she grows two hairs (*a sign of femininity which gives a regular girl the status of a na'arah*). Rabbi Yehudah says: Until those hairs give an appearance in that area of more black (*the hairs*) than white (*the skin*). (26b)

Shofar and Havdalah

When the *shofar* is blown (*indicating that Shabbos is near, and it is time to stop working*) there is no *havdalah* service (*the blessing in Shemoneh Esrei and over a cup of wine – it is recited at the departure of Shabbos and Yom Tov*), and when there is the *havdalah* service, the *shofar* is not blown.

The *Mishna* explains: If a festival falls on the day before the *Shabbos*, the *shofar* is blown (*for some work that was permitted on the festival is forbidden on Shabbos*), but there



is no *havdalah* service (for we are entering *Shabbos*, a day that possesses more sanctity than the festival which preceded it). If it falls on the day following the *Shabbos*, there is *havdalah* service, but the *shofar* is not blown.

What is the formula of the *havdalah* benediction (when the festival follows *Shabbos*)? [Blessed are You, Hashem...] Who separates between holy and holy. Rabbi Dosa says: Who separates between greater holiness and lesser holiness.

The *Gemora* asks: How was the *shofar* blown then (when the festival falls on the day before the *Shabbos*)?

Rav Yehudah said: He blows a *teki'ah* (long blast), and then a *teru'ah* (short blasts in quick succession) within that *teki'ah*. Rav Assi said: A *teki'ah* was blown, and then a *teru'ah* - all in one breath (but he pauses in between the two).

Rav Assi instituted the custom in Hutzal in accordance with his view.

The *Gemora* asks from the following *braisa*: If a festival fell on the day before the *Shabbos*, a *teki'ah* was blown, but no *teru'ah*. Now does this not mean that no *teru'ah* was blown at all?

The *Gemora* answers: It is not so; but Rav Yehudah interprets the *braisa* in accordance with his view, and Rav Assi interprets it in accordance with his view. Rav Yehudah interprets it in accordance with his view as follows: a *teru'ah* was not blown separately, but rather, it was sounded within the *teki'ah*. Rav Assi interprets it in accordance with his view as follows: a *teru'ah* was not blown with two breaths, but rather, it was all in one breath.

The *Gemora* asks: At what part of the *havdalah* service is the formula (mentioned in the *Mishna*) recited?

Rav Yehudah said: At the conclusion. Rav Nachman also said: At the conclusion. Rav Sheishes the son of Rav Idi said: At the

beginning as well. The law, however, is not in accordance with his view.

The *Gemora* rules that the law is not in accordance with Rabbi Dosa's view (mentioned in the *Mishna*).

Rabbi Zeira said: If a festival falls in the middle of the week one must say (in the *havdalah* service): Who separates between holy and mundane, between light and darkness, between Israel and the other nations, between the seventh day and the six working days. Why is this mentioned (if it is not *Shabbos*)? He is merely enumerating the 'separations' (mentioned in the *Torah*). (26b)

WE SHALL RETURN TO YOU,
HAKOL SHOCHETIN

DAILY MASHAL

The Separation of the Paroches

The *Gemora* and Rashi explain that in *havdalah* when *motzai Shabbos* is a holiday we do not start the *berachah* with "who distinguishes between the holy and the holy" but with "who distinguishes between the holy and the mundane". The *berachah* lists the distinctions mentioned in the *Torah* and the *Torah* only mentions a distinction between the holy and the mundane and not between the holy and the holy. HaGaon Rav Y. Kaminetzki zt"l wondered about this as there is an explicit verse: "...and the *paroches* shall distinguish for you between **the holy and the holy of holies**" (Shemos 26:33): we thus have a distinction between the holy and the holy! He replied that, first of all, the verse only mentions a distinction between the holy and the holy of holies and not between the holy and the holy and we do not denigrate a *Yomtov* to call it a lesser holy day, as explained in our *sugya*. Secondly, the distinctions mentioned in the *berachah* concern spiritual distinctions and not a material one like that of the *paroches* (*Emes LeYa'akov, Terumah*).