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Bechoros Daf 55

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Jordan River and the Euphrates

Rabbi Meir had stated (*in the Mishna*): The Jordan River separates two flocks, requiring a *ma’aser* for each.

Rabbi Ammi said: This is the case only where there is no bridge, but where there is a bridge, the bridge combines the animals (*for the purpose of taking ma’aser from both of them together*).

The *Gemora* notes that we see consequently that the reason (*why the Jordan divides*) is because they cannot contact each other (*since the water intervenes, the animals are not in touch with one another, nor with the shepherd*).

The *Gemora* asks from a *braisa*: If he had animals on both sides of the Jordan River, or in two different provinces, such as e.g., Nemer and Nemuri (*although they are close to each other, being only separated by one mil*), the animals are not combined. And needless to say (*that animals*) outside the Land (*of Israel*) and (*animals*) in the Land (*do not combine for ma’aser purposes*). Now, isn’t outside *Eretz Yisroel* and inside of it similar to a place where there is a bridge (*for there is no water intervening, and one can go from one side to the other*) and yet the *braisa* states that they do not combine!?

The *Gemora* explains Rabbi Meir differently: Rather said Rabbi Chiya bar Abba in the name of Rabbi Yochanan: The following is Rabbi Meir’s reason: The Torah says: *And the Jordan was the border of it on the east side*. The Torah has made it a separate border on its own. [*Although both are within a mil of each other, it is regarded as a line of division between the two sides, and therefore, there is no combination with regards to ma’aser.*]

The *Gemora* asks: But according to this reasoning, where it is also written (*with reference to the boundaries between two tribes*): *And the border curved, or, and the border went up*, will you also say that the Torah makes it a separate border on its own? [*Can it be that the animals in the territory of one tribe and animals in that of another do not combine even within the sixteen mils? If so, then why does the braisa mention the case of outside Eretz Yisroel and inside of it as not combining, since this occurs even in Eretz Yisroel itself?*]

The *Gemora* answers: The case is different there (*regarding tribal borders*), because the Torah says: This shall be for you the Land according to its borders all around, intimating that the entire *Eretz Yisroel* is regarded as possessing one border.

The *Gemora* asks: If this is so, then isn’t the Jordan as well (*a part of Eretz Yisroel*)?

The *Gemora* answers: The Torah says: The Land (*is regarded as one*), but not (*water, such as*) the Jordan.

The *Gemora* asks: According to the view of Rabbi Chiya bar Abba, it is for this reason that the *Mishna* specifically mentions the Jordan (*for it is the only body of water that the Torah mentions as a border*), however, according to Rabbi Ammi, why doesn’t it mention all the rivers (*for animals cannot cross any river, and it should be a division regarding ma’aser*)?

The *Gemora* notes that this indeed is a difficulty.

The *Gemora* notes that *Tannaim* differ on this point (*whether the Jordan is regarded as part of Eretz Yisroel, and therefore it*

does not form a division regarding ma'aser, or whether it is not part of Eretz Yisroel, in which case, it will form a division): When you pass over the Jordan into the land of Canaan, implying that the 'land' is the land of Canaan (Eretz Yisroel) but that the Jordan is not the land of Canaan; these are the words of Rabbi Yehudah ben Beseirah. Rabbi Shimon ben Yochai says: Behold it is written: *On this bank of the Jordan near Jericho, eastwards toward the sunrise.* This implies that just as Jericho is part of the land of Canaan, so is the Jordan part of the land of Canaan.

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: The real Jordan is only from Jericho and below (to the south). [Rashi explains that the part above is not the Jordan, for it intermixes with greater bodies of water there, and therefore it is not significant. See Tosfos and commentaries for the difficulties with this explanation.]

The Gemora asks: What is the legal significance of this remark? It cannot be with reference to one who vows (against deriving any benefit from the Jordan; should he be permitted to drink of the waters of Jericho and above or not), for then we should be guided by the common language of men, so that wherever men call it 'Jordan,' it should be forbidden to him! Rather, it must be with reference to the tithing of animals (so that two groups of animals separated by the Jordan would only combine together if they were located by Jericho or below it).



The Gemora cites a braisa which supports Rabbi Yochanan: The Jordan issues from the cavern of Paneas (which is known today as the Baniyas, a city in the north of Eretz Yisroel; the Jordan begins there from a grotto at the bottom of Mount Hermon), flows through the Sea of Sivchi (which might be referring to the Sea of Samachonitis, now known as Lake Hula, located north of the Sea of Tiberias) the Sea of Tiberias, and the Sea of Sodom (known now as the Dead Sea), and proceeds to run into the Great Sea (referring to the Mediterranean Sea; see commentaries for the apparent difficulty with this, as the Dead Sea has no apparent outlet into the Mediterranean Sea). And the real Jordan is from Jericho and below.

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: Why is it called the Jordan (Yarden)? It is because it comes (yoreid) from Dan (a city in the northern section of Eretz Yisroel).



Rabbi Abba said to Rav Ashi: You learned this from the name (of the river), we learned it from here: *And they called Leshem "Dan," after the name of Dan their forefather*, and Rabbi Yitzchak said: Leshem is Paneas. And it has been taught in a *braisa*: The Jordan issues from the cavern of Paneas.

Rav Kahana said: The primary supply of the Jordan comes from the cavern of Paneas. Where a person says, "I will not drink waters from the cavern of Paneas," the water of the entire Jordan is forbidden to him.

The liver is the primary source of the blood, as Rabbi Yitzchak said: A dissolved liver (from a corpse) causes *tumas ohel* (if the *tumah* source and a person or object is under the same roof) with a quarter of a log (which is the quantity of vital blood from a corpse which is required to cause *tumas ohel*).

The main source of all (the world's) waters is the Euphrates, for Rav Yehudah said in the name of Rav: If one vows forbidding himself to benefit from the waters of the Euphrates, he is forbidden to benefit from all the waters in the world.

The *Gemora* analyzes this last ruling: How should this be understood? It cannot mean that he said, "I will not drink from the waters of the Euphrates," for it is evident that he meant to say, "I will not drink from the waters of the Euphrates, but I will drink from all other rivers." Rather, he must have said, "I will not drink from the waters which come from the Euphrates," for Rav Yehudah said in the name of Rab: All other rivers in the world are lower than the three (great rivers which come from the Eden mentioned in *Bereishis*: *Pishon, Gihon, Hiddekel*; all waters drawing their supply from these), and these three are lower than the Euphrates (so these, in turn, draw their supply from the Euphrates).

The *Gemora* asks: But are there not springs higher than the Euphrates (such as those which flow from high mountains)?

Rav Mesharshiya: These come from the "ladders" of the Euphrates (they flow underground up to the mountains).

The *Gemora* asks: But is it not written: *And as to the fourth river, it is the Euphrates?* [This seems to indicate that all four rivers are on equal footing, not that one feeds the other three!]

Rav Nachman bar Yitzchak, and others say that Rav Acha bar Yaakov, said: [The meaning of the verse is that] it is the Euphrates mentioned earlier (which goes forth from Eden, and feeds the other three rivers).

It has been taught in a *braisa*: Rabbi Meir says: Its (the Euphrates) real name is Yuval, because it is written: *For he shall be like a tree planted by the water, which along Yuval spreads out its roots*. And why is it called Peras? It is because its waters are fruitful and increase (without the need of any rain).

The *Gemora* notes that this supports Shmuel, for Shmuel said: A river grows from its source (and not from rainwater – even during the rainy season).

The *Gemora* notes that in this he differs from Rav, for Rav Ammi said in the name of Rav: The Euphrates River in Bavel bears great testimony that rain has fallen in *Eretz Yisroel* (this is because the river becomes greatly swollen from the flow of the rainfall from *Eretz Yisroel*).

The father of Shmuel prepared (outdoor) *mikvaos* for his daughters during the days of *Nissan* (but not during the cold months), and he made for them mats (to stand on during immersion, so that the mud from the river will not get stuck between their toes and invalidate the immersion) during the month of *Tishrei* (when he was positively certain that there was more springwater than rainwater).

The *Gemora* explains his reasoning: He made a *mikvah* in the days of *Nissan* because he agreed with Rav, for Rav Ammi said in the name of Rav: The Euphrates River in Bavel bears great testimony that rain has fallen in *Eretz Yisroel* (this is because the river becomes greatly swollen from the flow of the rainfall from *Eretz Yisroel*). He was therefore concerned that the rainwater will be more than the flowing water, and thus the greater part

will consist of rainwater. [This will disqualify it from a mikvah, and a tamei person cannot become tahor through immersion in such a river.] And he made mats for them in the days of Tishrei (for there was very little rainwater at this point in the dry season, and he therefore allowed them to immerse in the Euphrates then).

The Gemora comments that this statement of Shmuel is in contrast with a different statement of Shmuel, for Shmuel said: Water that is flowing cannot function as a mikvah unless it is like the Euphrates River during the month of Tishrei (when we know for certain that the water does not contain a majority of rainwater; however, the rest of the year, he is concerned that the majority of the river is comprised of rainwater). (55a – 55b)

INSIGHTS TO THE DAF

Rainwater

Reb Avi Lebowitz, author of the sefer *Mayim Rabim* (an in-depth analysis of Maseches Mikvaos), offers the following introduction to help understand our Gemora: A ma'ayan refers to water absorbed in the ground and rises through natural springs. Rain water refers to water that falls directly into a pool or surface run off from rain or melting snow. Basically, a ma'ayan has two properties: 1. It can function as a kosher source for immersion even when the water flows - "zochlin". 2. It does not need a shiur of forty seah, even a kol shehu (minimal amount) is sufficient. On the other hand, rain water can only function as a kosher source for immersion when the water is stagnant (this is not to the exclusion of a current, but rather if there is an outlet to a body of water, there will be a natural flow of water toward the outlet which qualifies as zechila and is passul) and it needs a minimum amount of forty seah. Since a ma'ayan can purify while zochlin, the term "zochlin" refers to ma'ayan water, whereas "notfin" refers to rain water that must be stagnant to function as a kosher mikva. On a practical level, most bodies of water have a combination of rain and spring water, therefore we follow the majority. If most of the water is sourced from a ma'ayan, it can function even while flowing; but if most of the water is sourced

from rain, or from a surface run off, or melting snow, it can only function if the water is stagnant. The issue of "rov" is not a din of nullification; rather, it is a concept that the status of a body of water is labeled based on the type of water that is the majority.

How far is Vision?

By: Meoros HaDaf HaYomi

Vision is limited by nature. Man is limited and so are his faculties. How limited is vision of objects on the ground and how far into the distance can human vision see? This article will address this apparently medical question, which has many halachic implications.

Our chapter treats the topic of tithing animals. A person who has a herd of sheep, goats or cattle must separate ma'aser from the animals born in the last year. These animals are sacrificed in the Temple and their meat is eaten by their owners as kodoshim kalim.

A person whose herd increased by less than ten animals is exempt from ma'aser. Our mishnah explains that even someone who has two herds does not have to combine them and if ten were not born in either one of them, he is exempt from ma'aser, even if the animals born number ten or more altogether. There is therefore a need to determine when two groups of animals are called two herds. The mishnah says: "Ma'asar beheimah is combined by the distance of the feet of a grazing animal and how much is 'the feet of a grazing animal?' 16 mil." The Gemara explains that Chazal received the tradition that a shepherd can see to the distance of 16 mil and therefore all the herd within a distance of 32 mil is considered one herd as the shepherd can stand in the middle and see all the animals.

This definition has implications for many halachic subjects but first we must clearly define the field of vision.

Different measurements for the field of vision: If we search the Torah and Talmud for the human field of vision, we also find

different definitions than that of our mishnah. Hagar, Sarah's maidservant, furthered herself from her son Yishmael "like flights of an arrow" to avoid seeing his death and two flights of an arrow are merely one *mil* (2000 cubits, *Bereishis Rabah, Vayeira* 53:13). The Gemara in Chagigah 20b asserts that from a distance of a *mil* a person cannot determine if impurity touched his workers. He who accompanied the *kohen* who sent off the goat to Azazel stood at a *mil* distance from him to see him (Yoma 67a). The obvious conclusion is that the field of vision mentioned by our *sugya* does not mean vision which discerns details but that objects within 16 *mil* from a person do not blend with the background but stand out (see *Piskei Teshuvah*, published in Poland about 80 years ago, I, 167, who remarks about the apparent contradictions in the said Gemaras).

We proceed to some of the halachos influenced by Chazal's definition of the field of vision.

Raising goats and sheep: The Yerushalmi explains (Bava Kama 7:7, Pesachim 4:3) that one must not raise sheep or goats in an area greater than 16 *mil* because the shepherd must notice where his animals are to prevent them from stealing food from neighboring fields. Of course, this distance was fixed according to the human field of vision, and the shepherd often stands at the edge of his flock (*Piskei Teshuvah*, *ibid*, and in *Nefesh Chayah*, O.C. 688, S.K. 2).

An 'eiruv in Manhattan: When an 'eiruv was arranged in Manhattan, New York, HaGaon Rabbi Moshe Feinstein zt"l was asked to discuss the topic from many ramified halachic aspects (Responsa *Igros Moshe*, O.C., I, 139). One aspect concerns the approach of the Rishonim which contends that it is impossible to surround an immense area with one 'eiruv but that the area covered by an 'eiruv is limited to the area visible by a person standing at its center. As this area is 32 *mil*, as mentioned by our mishnah, Rabbi Feinstein asserts: "Perhaps such an area does not exist in Manhattan" and nothing prevents us from including all of it in the 'eiruv.

Tearing one's garments on seeing the site of the Temple: Rabbi Feinstein mentions this field of vision also when he was asked

by someone from whose windows one can see the site of the Temple if, when he comes to the Western Wall, he should tear his garments according to the halachah of someone who hasn't seen the site of the Temple for 30 days or, since he sees it from afar, he doesn't have to tear his garments. The author of *Igros Moshe* replied (O.C., III, 85) that if his home is within 16 *mil* from the site of the Temple, he doesn't have to tear his garments as he is considered as seeing the site of the Temple.

A berachah on seeing a cemetery: Similarly, the *poskim* discussed the topic of seeing a cemetery, that someone who sees it must bless "*asher yatzar eschem badin*" (*Shulchan Aruch*, O.C. 242:12). The author of *Betzel HaChochmah* contends (III, 40) that one who sees the tombstones from a distance of 16 *mil* must also pronounce this *berachah*.

DAILY MASHAL

Who does the horse save (or cast a shadow)? We conclude with the unique comment of the Rogatchover Gaon zt"l on the statement of Rabbi Yehoshua ben Levi (Pesachim 50a), that "Hashem will in the future add to Yerushalayim till the distance where a horse runs and is *matzil* – casts a shadow". Rashi (s.v. 'Ad sha'ah) explains that this concerns a horse which began to run in the morning from Yerushalayim and that Yerushalayim will expand to the place where the horse will get to at midday when his shadow under him. The author of *Tzafnas Pa'neiach* explains (in the *Hashmatos* to *Hilchos Ta'anis*, 5:16) that this means a horse intended to save those condemned to death (*matzil* means "saves" and "casts a shadow"). This horse stood at a distance of 16 *mil* from the *beis din* so that if the *beis din* cancelled the death penalty of a person taken already to the place of execution, they signaled the horse's rider to rush to the executioner to inform him. This is the meaning of *sus hamatzil*.