

גליון מס' 486

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דף סה/א מערימין על מעשר שני

Selling Chametz for Pesach

After harvesting produce in Eretz Yisroel, one must set aside a tithe of ten percent of his crop, to be eaten in Yerushalayim. This tithe is called "*ma'aser sheini* – second tithe" (the first tithe is given to the Leviim). If a person lives far away from Yerushalayim, and finds it difficult to transport his *ma'aser sheini*, he may redeem it, by transferring its sanctity to money, which he can then bring to Yerushalayim to purchase other food – which will receive the sanctity of *ma'aser sheini* in its place.

When a person redeems his own produce, to bring its value to Yerushalayim, he must add one fifth of its market value. When a person redeems someone else's produce, he need not add a fifth. In our *sugya*, we learn that if a person wants to avoid paying this extra fifth, he may give the money to his son, and have his son redeem it and then return the sanctified money to the father.

"Ha'arama": The Gemara refers to this procedure as a "*ha'arama*", which seems in context to mean a "trick," implying that it is somewhat deceitful. However, the Rambam (Commentary on the Mishna, *Temura* 5:1) explains that *ha'arama* does not mean a deceitful trick. Rather, it is a perfectly legitimate procedure by which one can exempt himself from an obligation or a mitzva. The concept of legitimate *ha'arama*, to exempt oneself from a mitzva, is found in other areas of Torah law.

Selling chametz: Today, it is common practice for everyone to sell their leftover chametz to a gentile, and then buy it back after Pesach. Thereby, one avoids the prohibition against keeping chametz in his possession, and is allowed to eat the chametz after Pesach (whereas chametz that was in a Jew's possession would be forbidden after Pesach). This procedure is followed by the average homeowner, who sells no more than few bottles of half-finished whisky; and by the major manufacturer, who may sell millions of dollars worth of inventory.

The earliest source for selling chametz before Pesach is found in the Tosefta (*Pesachim* 2:12): "If a Jew and gentile are traveling together by boat, and the Jew has chametz in his possession, he may sell it to the gentile ... and buy it back after Pesach." The Poskim endeavor to explain the legitimacy of a sale, in which the seller does not wish to lose possession, nor the buyer to gain possession, and the sole motivation is to circumvent the prohibition against owning chametz.

Rabbinic prohibition: The Tevuos Shor (*Bechor Shor, Pesachim* 21b) explains that had the prohibition against owning chametz been from the Torah, this circumvention would have been insufficient. However, since we perform *bitul chametz* (annulment of chametz) before Pesach, the prohibition against keeping the chametz is only Rabbinic. Therefore, we may rely on this questionable sale.

However, in our own *sugya*, we find that a *ha'arama* is valid even regarding the Torah mitzva of redeeming *ma'aser sheini* produce. Why is it not valid regarding the Torah prohibition against owning chametz on Pesach?

In the *sugya* of redeeming *ma'aser sheini*, the *ha'arama* is performed by two Jews. Although their real intention is to lower the redemption costs, in order to do so their transfer of money must be completely sincere. The father gives the son the money, and the son accepts it, wholeheartedly. They both realize that if they are insincere, their procedure will be invalid.

דבר העורך

An Excusable Interruption

The fax machine in our editorial office suddenly sprung to life. Its bright red light blinked and it began to spew forth several pages of crowded but neatly written words. Out came another story about the priceless fruits of study of the *Daf HaYomi*.

The tale begins some twenty years ago when a group of Jews decided to start a *Daf HaYomi shiur*. They sought out a *maggid shiur* who would be able to clearly explain the *Daf* for working people, who came to study Torah at the end of a long, hard workday. "A fixed time for Torah study has a special charm," said one of the members of the *shiur*, who today is already a young grandfather. "No matter what, every day you are drawn back to the *Beis Midrash* to the fresh waters of the Torah."

In this *shiur*, just like every *shiur* of *Daf HaYomi* today, before anything starts everyone turns off his cellular phone. No interruptions are allowed. One Jew in this *shiur* even leaves a message on his phone saying, "Right now I am participating in a *Daf Yomi*. Dear Jew, you are invited to join me."

One time, when the *maggid shiur* was about to explain an intricate point in the *sugya*, a cell-phone startled everyone with its peppy musical tune. R. Meir, a founder of the *shiur*, blushed, and quickly went outside the *shul*, pressing his ears to the earpiece, listening intently. Everyone's eyes followed him, and through the window they saw an expression of disappointment appear on his face, and he then quickly turned off his phone. Sometimes a person forgets.



IN MEMORY OF

מרת **טויבא ברמן** ע"ה ב"ר אלעזר מאיר ז"ל

נלב"ע ט"ו באלול תשמ"ט **תנצב"ה**

הונצחה ע"י ידידנו הר"ר יעקב (זק) ברמן ומשפ' שיחה

נ"ה

נשמת אדם





After all, we're only human beings. He quietly returned to his seat but noticed that a member of the *shiur* was staring at him. Evidently, thought R. Meir, the fellow resented the interruption and wondered how R. Meir could possibly do such an inconsiderate thing. The *maggid shiur*, a good-hearted person, reviewed briefly what R. Meir had missed while outside. R. Meir placed his finger on the line where they were holding, and suddenly his cellular phone rang again! On his way out of the *shul* R. Meir could see some of his friends shifting uncomfortably in their seats.

He came back, sat down, and it wasn't long before his phone buzzed a third time. R. Meir pulled it from his pocket, silenced it, and left the *shul*. This time some angry whispers were heard in the *shul*.

Totally embarrassed, he returned to the *shiur* for the third time. Until the *shiur* was over he did not dare to raise his head from his *Gemara*. He was the one who was always reminding the others to turn off their cellular phones, and now look at him! Afterwards, the members of the *shiur* talked together about what had happened. "How could he do such a thing?" "Very strange!" "Not once or twice, but three times!" R. Meir was not there to hear. Right away, after the *shiur* ended he closed his *Gemara*, picked it up, and rushed outside to his car—something else that struck everyone as being very strange. They were all mystified by his unusual behavior.

The shrill cry of the newborn child echoed in the hall. The father recited the *beracha*, "Who has sanctified us with His *mitzvos*, and has commanded us to bring him into the covenant of Avraham, our forefather." All those in the room loudly answered Amen. Many of those attending felt as if they were the father's relatives. After all, they had been studying together with R. Meir for eighteen years in the *Daf HaYomi shiur*, and his *simchah* was also theirs.

The festive meal began. All the members of the *Daf HaYomi shiur* were there – also those who a week ago complained so bitterly about how R. Meir had acted.

The *maggid shiur* started his *drasha*: "Our Sages instruct us to judge one another favorably. This child who today entered the covenant of Avraham – I have a name for him." Pointing to the participants of his *shiur*, he then said, "You will be surprised to hear that I call him a **child of the Daf HaYomi**. Why is this a fitting name?"

However, in this case, the Jew who sells the chametz might be completely sincere, but the gentile who buys it has no real intent to own the chametz. Therefore, this *ha'arama* would not be valid for a Torah prohibition (see *Teshuvos Chasam Sofer* O.C. 62).

A sale is a sale: The Poskim reject this distinction, explaining that if a sale is done with a valid act of acquisition, it does not matter what ulterior motives the buyer or seller might have. The sale is valid and enforceable in Beis Din. Therefore, the chametz leaves the ownership of the Jew, even by Torah law (see *Chelkas Yaakov* Y.D. 69).

Invalid ha'aramos: Other *ha'aramos*, designed to circumvent halachic prohibitions, were deemed invalid by the Poskim. The Tashbatz (I, 138) was once consulted concerning a community leader who became embroiled in a heated conflict with one of his congregants, which resulted in both of them swearing never to benefit from one another. When the time came to collect community taxes, the embattled congregant refused to pay the full sum, explaining that he could not pay his portion in the community leader's salary. The collectors then suggested that he pay his taxes in full, and they make sure to use his money for other expenses. However, the Tashbatz ruled against this suggestion, since if not for the this congregants portion in the community leader's salary, his taxes would have been less.

דף סח/א איכא שמירה דאיתיה משה לאבני אפוד

The Shamir Worm and the Harvesting Machine

The Gemara in our *sugya* tells us that Shlomo HaMelech was unsure how to cut the stones to use in construction of the Beis HaMikdash. The Torah only forbids using metal to cut the stones of the Mizbei'ach (*Devarim* 27:5), but Shlomo wanted to abide by this restriction for the stones used in the entire Beis HaMikdash. The Sages suggested using the "*shamir*" worm, which was created during the twilight at the end of the Six Days of Creation (*Avos* 5:7). The *shamir* worm has an amazing property to crack any stones on which it is placed (*Sotah* 48b). The Gemara adds that Moshe Rabbeinu also made use of the *shamir* when carving the names of Bnei Yisroel on the stones of the Ephod.

Indirect fulfillment of mitzvos: Some commentaries tried to prove from our *sugya* that a mitzva may be performed in an indirect manner. Moshe Rabbeinu was commanded to "engrave the names of Bnei Yisroel" on the stones of the Ephod (*Shemos* 28:9). He did not do so by hand, but rather by means of the *shamir* (R' E. Gordon, *Kuntrus Be'er B'Sadi*). However, most Poskim rejected this proof, explaining that Moshe did engrave the stones, by leading the *shamir* over the shape of the letters. Therefore, it was considered as if Moshe engraved the letters by hand (*Tzlach HaChadash*, 1).

Using combines on Shabbos: In the early days of the State of Israel, the Jewish Agency purchased a combine machine for harvesting produce, to lend to the various farming settlements. In order to make full use of the machine, they did not lend it out to one settlement at a time, but to two neighboring settlements at a time, allowing them to make shared use of it, before returning it. A religious farming settlement also wanted to borrow the machine, but to do so they had to borrow it together with the neighboring settlement, which was not religious and would most likely use it on Shabbos. The religious farmers feared that by borrowing it together with them, they would be assisting them in desecrating Shabbos.

Farming by motor: On the one hand, farming with the combine machine is worse than farming by hand, since a greater amount of produce can be harvested. On the other hand, perhaps it is better in a way, since one does not cut the crops directly, but rather activates a motor which cuts the crops automatically. Perhaps this is considered a *grama* (indirect action), which would lessen the severity of their Shabbos desecration.

R' Tzvi Pesach Frank (*Teshuvos Har Tzvi* O.C. I, 125; Y.D. 143) ruled that harvesting with a motorized machine is not considered a *grama*, but rather a direction action, since one must guide the machine down the furrows of the field. This is comparable to Moshe Rabbeinu's guiding the *shamir* worm along the shapes of the letters, which the Poskim consider a direct action.

דף ע"ב אין כותבין אלא לכשישתפה

The Authority of a Shaliach

In our *sugya*, we learn that if a husband appointed an emissary (*shaliach*) to divorce his wife on his behalf, but lost his mind before the task was completed, the emissary loses his ability to divorce her. R' Yochanan and Reish Lakish debate the case of husband who was struck by "*kordeikus*" – which the Rambam defines as a mental ailment (see Rambam, commentary to the Mishna). According to Reish Lakish, since this condition can be treated, he is not considered a *shoteh* (mentally incompetent person). Therefore, the emissary may still deliver the get. According to R' Yochanan, the emissary must wait for him to recover, before delivering the get. As long as he is ill, he is considered temporarily insane, and his get is invalid.

The sick employer: The Poskim discuss the case of a businessman who gave power of attorney to a subordinate to purchase a property for him in a distant country. When the subordinate arrived at the site of the purchase to complete the transaction, he was informed that his employer had suffered a severe stroke, from which the doctors believed



he would never recover. In the interests of the employer's family, the subordinate wanted to complete the purchase. However, the question arose whether his power of attorney was still valid, now that the person who appointed him was mentally incompetent. The issue depends on how to interpret the opinion of R' Yochanan in our *sugya*.

How an emissary is empowered: The Ketzos HaChoshen (188 s.k. 2) writes that the Tur and Rambam (*Geirushin* 2:15) debate why the husband's insanity renders the emissary's appointment invalid. According to the Tur, an emissary's ability to enact a divorce on the husband's behalf stems from his status as a "long arm" of the husband. Any action he does, is considered as if it was done by the husband. Therefore, it is as if the husband had personally divorced his wife. If the husband becomes insane and is unable to divorce her by his own hand, he is similarly unable to divorce her through the "long arm" of his emissary.

However, according to the Ketzos's interpretation of the Rambam, the emissary is given full authorization at the time of his appointment, and is thus empowered to divorce the wife. He then acts by his own power, and not as an extension of the husband. By Torah law, he is still able to divorce the wife, even after the husband becomes insane. However, our Sages feared that people would mistakenly conclude from this that an insane person can also divorce his wife. Therefore, they forbade this by Rabbinic law.

Does an emissary lose his authority? This debate can be applied to the case of the sick businessman. According to the Tur, the emissary loses his authority the moment his employer loses his mind. This is true regarding both divorce law, and monetary law. However, according to the Rambam, by Torah law the emissary still retains his authority. Our Sages made restrictions in the realm of divorce law, which do not apply to monetary law. Therefore, the emissary may still make the purchase for the sick businessman. (This explanation is based on the Ketzos's interpretation of the Rambam. Other Acharonim interpret the Rambam differently. According to the Chazon Ish, the Rambam referred only to the case of *kordeikus*, which is curable. In cases of incurable insanity, the Rambam would agree that the emissary loses his authority.)

דף ע"א/א שאני עדות דרחמנא אמר מפיהם ולא מפי כתבם

Writing as a Form of Speech

The Gemara tells us that a mute person cannot testify by writing his testimony and submitting it to the court, since testimony must be given orally, as the *possuk* states "By the mouth of two witnesses" (*Devarim* 19:15). According to Rabbeinu Tam (*Yevamos* 31b, s.v. *D'chaza*) this means that the witness must be able to testify orally – excluding mute witnesses. However, if a person is able to speak, he may also submit his testimony in writing. Rashi (*Devarim* 19:15) and the Rambam (*Eidus* 3:4) argue that testimony can never be submitted in writing, even if the witness is capable of speech (see *Avnei Nezer* Y.D. 306).

Not wasting a Torah scholar's time: The accepted halacha in Shulchan Aruch is that testimony must be delivered orally (*Shulchan Aruch* C.M. 28:11). However, we may rely on Rabbeinu Tam to allow a Torah scholar to submit testimony in a letter, to prevent him from wasting time by appearing personally in Beis Din (Bach, 28 s.k. 15).

In Beis Din's presence: Occasionally, a witness appears in Beis Din and is so overcome with emotion, that he cannot express himself in speech. Other times, he might suffer from a temporary illness that renders him unable to speak. The question must then be raised, according to Rashi and the Rambam, whether a person who is essentially capable of speech may submit his testimony in writing, if he writes in the presence of Beis Din.

Expressing one's thoughts: On the one hand, speech is a method of expressing one's thoughts. Writing can be an equally effective method. Perhaps the Torah's objection was only to a witness sending in his testimony with a letter from afar, without appearing in Beis Din. If he does appear in Beis Din, perhaps his writing can be considered a form of speech. On the other hand, perhaps there is a requirement of "speech" referring specifically to verbal communication.

There are many mitzvos and aveiros involving speech. The Poskim question whether these mitzvos and aveiros include writing (see Rashba on our *sugya*, and *Teshuvos Noda B'Yehuda* I C.M. 30).

Writing Torah: For example, before saying words of Torah in the morning, one must recite the berachos over Torah study. The Poskim discuss whether one may write words of Torah before reciting this beracha. Is writing comparable to speech in this respect? (See *Pri Megadim* M.Z. 47 s.k. 2). Similarly, it is forbidden to say or even think words of Torah in a bathroom. In the intermediary room, between the entrance hall and the bathroom, it is permitted to think words of Torah, but it is forbidden to say them. Is it also permitted to write words of Torah in this room? This too depends on the question of whether writing is considered a kind of speech (*Shulchan Aruch* O.C. 47 s.k. 2, Taz. See *Sdei Chemed*, *Aleph* – 1:139, who rules that one should not write in this room, lest he come to speak).

Counting Bnei Yisroel in writing: It is forbidden to count Jews, as the Gemara learns from the *possuk*, "And the number of Bnei Yisroel will be like the sand of the sea, that cannot be measured or counted" (*Hosheia* 2:1; *Yoma* 22b; Rambam, *Tamidin U'Musafin* 4:4). According to the Chasam Sofer (cited in *Ksav Sofer* Y.D. 106), it is forbidden to count them whether out loud, or in writing.

The place fell silent. Everyone stopped eating. The Rav began, "When a person fixes set times to study Torah, he continually elevates himself and he reaches sublime levels of love for Torah and fear of Hashem. Do you remember R. Meir's cellular phone? Remember the ringing in the middle of the *shiur*? Not once but three times! How dedicated he and his wife are to his fixed time to learn Torah, and every ring was another symbol of their dedication!

"That day, not long before the *shiur*, R. Meir was about to leave his house with his wife to take her to the maternity ward at the hospital. R. Meir's mother was on her way to be babysitter for the children until R. Meir came home. The couple stood at the door. R. Meir put his hand on the doorknob and then saw the clock in the living room. It was six o'clock in the afternoon. His wife also noticed the time. 'This is exactly the time that every day you leave the house to go to the *shiur*, isn't it?' his wife asked him. No more was necessary. They decided she would go by herself to the hospital. If she needed him, she would call him on the cellular phone. That's why R. Meir did not disconnect his phone!"

People looked at R. Meir with esteem. One could hear from the women's section the excitement was increasing as the *miggid shiur* continued. "The first call was a business call for R. Meir. Annoyed, R. Meir immediately told him to call back later. The second and third rings were simply wrong numbers. R. Meir then called his wife and they decided that for the sake of his studying Torah he would disconnect the cellular phone, and Hashem would help them. Will you now all agree with me that this baby is a **child of the Daf HaYomi**?"

"This is the power of setting fixed times to study Torah. Besides the great *zechus* of the learning itself, a person's whole personality changes, only for the better. Not only does he change, his whole family changes! They all become filled with *yiras Shamayim* and their hearts flame with love for the Holy Torah.

Dear Readers,

Meoros Daf HaYomi is interested in hearing your comments, criticisms and suggestions, in order to improve the quality of our newsletter. Please contact us at: daniel@meorot.co.il

Sincerely,
The Meoros Staff

פנינים

דף סז/א משנת ר' אליעזר בן יעקב קב ונקי

Clean and Concise
The Gemara tells us that the rulings



of R' Eliezer ben Yaakov were "a clean kav." A kav is a relatively small unit of measurement, signifying that although R' Eliezer ben Yaakov rarely appears in the Mishnah, his teachings are "clean", i.e. they are always accepted in halacha.

The Chida cites another explanation from Mishnas Eliezer. The Gemara (Pesachim 3a) tells us that we must speak in a polite, "clean" way, even if this forces us to speak at greater length. For example, instead of using the disagreeable word "tamei (impure)", the Torah refers to the "animals that are not tahor (pure)" (Bereishis 7:8), thus requiring it to add eight letters. The greatness of R' Eliezer ben Yaakov was that he was able to speak in such a way that was both "clean" and concise (Dvash L'fi, Kuf:45).

דף ע"א משוך ירך ממנה

Eating for the Sake of Heaven

The Gemara tells us that when a person enjoys his food, he should draw back his hand from it – meaning, he should abstain from eating his fill. The Bnei Yissaschar explains that this proves that he eats for the sake of Heaven, not only to pursue his own pleasure. Eating for the sake of Heaven is a greater merit than fasting, since one thereby elevates the holiness inherent within the food Hashem created (Igra D'Kalla 302b).

דף ס"ד א שנו מדותי

Terumas Ma'aser

R' Shimon bar Yochai enjoined his students to emulate his attributes, since they were "the terumos of terumos of Rebbe Akiva." The Maharsha explains that when a farmer separates ma'aser tithe for the Levi, this tithe is elevated to a level of holiness above the rest of his crop. The Levi must then separate from the tithe he receives terumas ma'aser for the Kohen. The terumas ma'aser is raised to an even higher level of holiness. So too, the Tannaim such as Rebbe Akiva were the ma'aser of Bnei Yisroel, elevated to a higher level of holiness, in the merit of their attachment to the Torah. Rebbe Shimon was raised to an even higher level, becoming like terumas ma'aser among them.

Collection for the poor of Eretz Yisroel: A student of the Vilna Gaon, R' Yisroel Mishkolov *zt"l*, established a community of the Vilna Gaon's followers in Eretz Yisroel. In order to support the impoverished members of his community, he wanted to make a list of their names and sent it to several philanthropists abroad, hoping to receive their donations. This list raised a question of the prohibition against counting Bnei Yisroel, and the Chasam Sofer (*Kovetz Teshuvos*, 8) was consulted for his opinion.

In posing the question, R' Yisroel suggested several points to permit this. For example, although it is forbidden to count Jews aloud, perhaps counting in writing is permitted. The Chasam Sofer argued that it is forbidden to count even in writing. Nonetheless, the Chasam Sofer found a different basis to be lenient. In this case, the custodian of the tzedaka fund did not have to count the members of each family himself. He could copy the number from the community register. This is not considered counting, and is permitted.

דף ע"א/הרש שיכול לדבר

Deaf People in Halacha

In our sugya, we learn that a deaf-mute person has the halachic status of a mentally incompetent person (*shoteh*), who is exempt from mitzvos. The Chachomim, whose opinion is cited in halacha (*Shulchan Aruch* E.H. 120:5), hold that even if he can express himself clearly in writing, this is not enough to prove that he has the presence of mind necessary to be obligated in mitzvos.

Educating the deaf: In the time of the Gemara, a person who was born deaf lived in a vacuum, unable to communicate with the world around him. Hence, his understanding of the world was very limited. However, great advances have since been made in this field. 170 years ago, Prof. Victor August Yagar headed a school for the deaf. The Rashash in our sugya refers to a school in Vienna, in which the deaf are taught to write.

Once, if a person was born deaf, it was impossible to help him advance to the point where he could express his thoughts in writing. Accordingly, the Maharshal explains that our sugya refers to someone who learned to write when he was a child, and then went deaf before he reached adulthood. As such, although he learned how to write, his mind never had a chance to develop to the point where he would be obligated in mitzvos. This seems to imply that if a deaf-mute person learned to express himself in writing as an adult, the Maharshal would view him as a fully competent person. However, as we shall see, other Poskim argue.

Deaf people in our times: Today, deaf and mute people can fully communicate with those around them, through the use of sign language, lip reading, and the like. They can advance to a level of intelligence equivalent to those who can speak and hear. R' Yoel Deitsch, who managed an institute for the deaf in Vienna 150 years ago, said of one his students who wrote articles for newspapers: "I doubt if there is anyone with use of all his senses, who can express his thoughts more cleverly" (*Teshuvos R' Azriel Hildsheimer* II, E.H. 58). As such, the Poskim question whether a deaf person who is interactive with his surroundings, and is clearly of full intelligence, has the same halachic status as a person who can hear.

Classifying a shoteh: The Gemara gives signs by which a *shoteh* (mentally incompetent person) is classified according to Torah law. If a person goes out alone at night, sleeps in a graveyard, and tears his clothes, he is considered a *shoteh*, who is exempt from all mitzvos (*Chagiga* 3b; see *Teshuvos Chasam Sofer* E.H. 2). These classifications were necessary, since many people have a certain peculiarity of thought, which is tempered by their being fully functional in other areas.

However, our Sages gave no criteria to classify which deaf people are mentally competent and which are not. Rather, they made a sweeping generalization that all deaf people are mentally incompetent, since in their times, deaf people were all unable to communicate with the world around them, and were thus denied the opportunity to develop their minds (see Rashi, *Chagiga* 2b, s.v. *Hacheresh*). Today, since this is no longer true, we must question whether they are still exempt from mitzvos, and if not, what level of mental development is required to obligate them in mitzva observance.

Sign language: Our sugya distinguishes between a deaf-mute, who is exempt from mitzvos, and a deaf person capable of speech, who is obligated in mitzvos. As such, the Poskim unanimously rule that if a deaf person learned to talk normally, to the extent that he can express himself through speech alone without any assistance through sign language, he has the halachic status of a fully intelligent person, and is obligated in mitzva observance.

In contrast, if a deaf person is mute, even if he can express himself through sign language, this is not enough to prove that his mind has developed enough to be obligated in mitzvos. This is true, even if his actions seem to indicate that he is extremely intelligent. The Tzemach Tzedek (77) wrote about a tailor from Krakow who was born deaf, but distinguished himself for his great intelligence, and presented himself before Beis Din to prove his mental competence. Nevertheless, the Tzemach Tzedek ruled that he is exempt from mitzvos, as we find in our sugya, that even if a deaf person can express himself intelligently in writing, he is still exempt.

The Poskim debate the case of a deaf person whose speech is clumsy, but can express himself in verbal speech with the help of sign language. According to the Divrei Chaim (E.H. 72) he is considered halachically competent. According to the Levushei Serad (*Neos Desha* E.H. 132) he is not.

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