

OVERVIEW of the Daf

1) Harlot's payment (cont.)

The Gemara continues to search for the circumstances of the Baraisa's first ruling that if an animal was given to a harlot and afterward he cohabited with her the animal may be used as a korban.

R' Hoshaya inquires about the status of an animal that was sanctified but not offered when they cohabited.

A possible answer is suggested and rejected and the matter is left unresolved.

A contradiction is noted between two Baraisos concerning the status of an animal given to a harlot after cohabiting.

R' Nachman bar Yitzchok in the name of R' Chisda offers a resolution to the contradiction.

This explanation is challenged.

Two resolutions to this challenge are presented.

2) Shemittah produce (cont.)

R' Sheishes challenges R' Yochanan's earlier ruling that repaying ordinary produce for Shemittah produce that no longer exists is not considered to be an exchange of the Shemittah produce.

R' Chisda offers a resolution to this challenge.

Two challenges to R' Chisda's explanation are presented.

Rava offers an alternative resolution.

This resolution is challenged and R' Pappa answers the challenge.

R' Kahana and R' Zevid of Nehardea discuss how to fit R' Pappa's explanation into the words of the Baraisa.

R' Ashi offers another explanation of the Baraisa.

R' Yaimar notes that this explanation requires an emendation of the Baraisa and R' Ashi confirms that the emendation must be made.

3) Prohibited wages (cont.)

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REVIEW and Remember

1. What halacha is derived from the phrase **ואיש כי יקדש את ביתו קדש**?

2. How do gentiles acquire movable objects?

3. How does R' Pappa explain the Baraisa's ruling?

4. Explain the issue of **רוצה בקיומו**.

Distinctive INSIGHT

Money or fruit obtained in exchange for shemitta fruits

אומר אדם לחמריו ולפועליו לכו ואכלו בדינר זה צאו ושתו בדינר זה ואינו חושש לא משום שביעית וכו'

Produce of the shemitta year that grows on its own (ספחים) may be eaten. A person may even collect and stockpile this produce in his house, but only as long as that particular grain or fruit is still available in the field. Once the season for that commodity has ended, any supply in one's house must be put back in the field where it is accessible to everyone. In fact, if someone takes shemitta fruits and exchanges them for other fruits, the fruits obtained through the exchange acquire the status of the shemitta fruit, and these exchanged fruits must also be removed from the house when the season of the first shemitta fruits has ended.

A Baraisa taught in the yeshiva of R' Yanai (62b) rules that poor people who have a surplus of shemitta fruit may take them, before the fruits are out of season, and lend them out in order to be paid back with other fruits after shemitta. Although the poor seem to be benefitting by exchanging shemitta fruits for fruits of the eighth year, R' Yochanan ruled that this is permitted. The reason is that at the time the poor receive fruits of the eighth year in exchange for the shemitta fruits they lent, the shemitta fruits are no longer intact. Therefore, the payment of fruits of the eighth year is not considered to be an exchange for shemitta fruit.

On our daf, Rav Sheishes presents a question from another Baraisa to challenge the ruling of the Baraisa taught in the yeshiva of R' Yanai. The Baraisa teaches that an employer who owes wages to his workers may pay them cash, even if there is reason to believe that they will use the money to buy fruits from a store where the proprietor is suspect of dealing with shemitta fruits improperly. However, the employer may not instruct his workers to eat or drink from a store, where the employer assures that he will pay the bill, if the proprietor of the store is suspect in regard to the halachos of shemitta. In the first case, once the employer gives the workers their money, it is their problem how it is spent. In the second case, the employer is committing himself to pay cash to a store owner who will sell shemitta fruits improperly. Yet, according to the Baraisa of R' Yanai's yeshiva, once the shemitta fruits have been consumed, we need not be concerned about the money being considered exchanged for shemitta.

R' Chisda answers that the case which is prohibited is where the employer had a credit account with the store, and every purchase, including the shemitta fruits taken by his workers, is considered as a direct acquisition by the employer. ■

HALACHAH Highlight

Backing out of a pledge after writing a check

אמירתו לגבוה כמסירתו להדיוט

A declaration to consecrate something to the Holy is as effective as transferring an object to a private person

A principle that emerges from our Gemara is that a pledge to consecrate an object to the Holy is as effective as transferring an object to a private person. Rosh¹ writes that when it comes to tzedaka one is only obligated to follow through on pledges that are verbalized but if a person merely made up his mind to give money to tzedaka he is not obligated to follow through on that mental commitment. Ritva² agrees but adds that one who follows through on his mental commitments is considered God fearing. Mordechai³ disagrees and maintains that one is also obligated to make good on mental commitments. The only reason the Gemara mentions declarations, is that declarations could be enforced by Beis Din since they are aware of the pledge. An individual is obligated to follow through on his mental commitments but since Beis Din is unaware of the commitment they can not force the donor to follow up on his pledge. Rema⁴ cites both opinions but agrees with the position that one is obligated to follow up on mental pledges to tzedaka.

Teshuvos Be'er Moshe⁵ relates that there was once a per-

(Overview...continued from page 1)
A group of Amoraim asked whether a worker may keep the wages he earned for breaking barrels of nesseh wine.

R' Nachman answers that he should break the barrels and should be blessed.

The Gemara begins to present proof to R' Nachman's position. ■

son who wrote a check to tzedaka and then regretted it so he ripped up the check. Be'er Moshe was asked whether this person is obligated to write another check to the organization for the original amount since writing the check should be considered a vow to give money to that organization. On the other hand, one could argue that all he did was make a mental commitment to give money to tzedaka but the writing of the check is not considered a vow. As such the matter would be subject to the earlier-mentioned dispute whether one is obligated to follow through on a mental pledge to give tzedaka. In his final analysis he concludes that since the person followed his mental pledge with an action, i.e. the writing of a check, all opinions would agree that he is obligated to follow through with his mental pledge and write another check for the tzedaka organization. ■

1. שו"ת הרא"ש כלל י"ג סי' א'.
2. ריטב"א שבועות כ"ו: ד"ה משום דהוי.
3. מרדכי קידושין פ"א סי' תצ"ה.
4. רמ"א יו"ד סי' רנ"ח סעי' י"ג.
5. שו"ת באר משה ח"ב סי' ח'.

STORIES Off the Daf

Taking on the Yoke of Heaven

"אמירתו לגבוה כמסירתו להדיוט..."

When someone once asked the Divrei Yisrael of Modzhitz, זת"ל, why many say *l'shem yichud* before performing a mitzvah he explained with a statement from today's daf.

"On Avodah Zarah 63 we find, 'אמירתו לגבוה כמסירתו להדיוט'. Although this literally means that one's pledge for hekdesh is equivalent to handing it over to a person, there is another explanation which answers your question. We explain simply that saying one's intentions causes the action to already belong on high, and enables

him to do it with proper purity. It follows that evil has no part in such a mitzvah since it has already been consigned to Hashem above and this cannot be reversed."¹

Rav Eziel Meisels, זת"ל, taught a different lesson from this statement "It says in Avodah Zarah 63, 'אמירתו לגבוה כמסירתו להדיוט.' This teaches us a great lesson regarding how we should say words of Torah and tefillah before Hashem. We must say them with what regular people regard as **מסירת נפש!**"²

The Alter of Kelm, זת"ל, explained that feeling and showing love for one's fellow man is the most important way to develop one's middos. "Our sages famously teach: **כלל ואהבת לרעך כמוך**: גדול בתורה.' This means that through loving one's fellow Jew he is able to

ly fulfill the Torah.³ This is because focus on love for one's fellow slowly diminishes his arrogance and anger which are the products of negative self-love."⁴

He added, "This is also why we find that during judgment one will be asked whether he has made his friend a king over himself. This is the critical factor in determining how much a person accepted the yoke of heaven."⁵

This is another way to understand the statement, "אמירתו לגבוה כמסירתו להדיוט." The more completely one gives himself over to his friend, the more effective his words of Torah and tefillah will be. ■

1. דברי ישראל, כללי אורייתא, דף ה'.
2. גן יוסף, ע' ר"יח.
3. חכמה ומוסר, ח"א.
4. פנקסי הקבלות.
5. חכמה ומוסר, ח"ב.