

OVERVIEW of the Daf

1) Vague clauses (cont.)

The Gemara continues to analyze different rulings from the previously-cited Baraisa.

One principle that emerges from the analysis is that there is a difference between the term דינרין and דינרי.

A Mishnah is cited that confirms this distinction.

2) Missing letters

A Baraisa teaches that the lower portion of a document can be learned from the upper portion of the document concerning one letter but not two.

One explanation for the difference between one letter and a second is suggested but rejected.

The reason to distinguish between one letter and a second is explained.

R' Pappa presents a related inquiry that remains unresolved.

An incident involving an indefinite clause is recorded. ■

REVIEW and Remember

1. What is the difference between the term דינרי and the term דינרין?

2. What steps did R' Shimon ben Gamliel take to drive down the cost of birds?

3. Why is there a difference between a single-letter discrepancy and a multiple-letter discrepancy?

4. What can a fly potentially do to damage a document?

Today's Daf Digest is dedicated
 לע"נ הרב אביגדור בן הרב שאול אלחנן ע"ה
 Rabbi Victor Amster o.b.m.
 By his children
 Mr. and Mrs. Jeremy Amster

Distinctive INSIGHT

A discrepancy between how items or amounts appear in the שטר

ספל מלמעלה וקפל מלמטה הכל הולך אחר התחתון

Rav Pappa discusses a case where there is a discrepancy in the way things are described in a document. If the beginning of a document describes that someone deposited a ספל to his friend, but at the end of the document the item deposited is described as a קפל, Rav Pappa rules that we would follow the later description and assume that the item was a קפל.

Rashbam explains that both ספל and קפל are types of utensils. ספל is a cup or bowl, while קפל is a garment of some sort, which is something which can be folded (לקפור). Rashba and Ritva write, in the name of Rashbam, that קפל is a key.

In the name of Rabeinu Tam, Tosafos explains that these two items are actually acronyms. ס' פלגי stands for ספל, or sixty halves (which is thirty), while ק' פלגי stands for קפל, or one hundred halves (which is fifty). In other words, near the top, the document stated that the loan amount was thirty, while lower down, near the bottom, it listed the amount as fifty. Rabeinu Chananel cites an opinion that ספל stands for סאה ופלגא, while קפל stands for קב ופלגא. In all these cases, although the item or amount listed in the document is not consistent, the halacha is that we recognize the item or the amount listed in the lower part of the document as being accurate.

יד רמה explains that we follow the amount listed in the later section of the document because that is the more important part of a document. Rambam and Meiri explain that קפל is less than ספל, so we follow the word קפל because it is less. Magid Mishnah explains that Rambam understood these words according to the explanation of Rabeinu Chananel in Tosafos, that ספל is one and a half se'ah, while קפל is one and a half kav.

If the word קפל was written above, and the word ספל below, the inquiry of Rav Pappa remains unresolved (תיקו) because it is possible that a fly might have rubbed against and erased part of the word written below. The fly might have rubbed off the bottom of the 'ק of the word "קפל", which had a 'ק written at the beginning, and the word might now appear as beginning with a 'ס ("ספל"). Due to this doubt, the halacha does not rule clearly that we follow the word as it appears at the lower part of the document. (Shulchan Aruch C.M. 42:7)

Sm" a (ibid., #21) explains that Rashbam and Tosafos hold that it is only common for flies to shorten letters, thus

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HALACHAH Highlight

Refraining from eating fish on Shabbos to drive down the price

אמר רבן שמעון בן גמליאל המעון הזה אם אלן הלילה וכו'
R' Shimon ben Gamliel exclaimed: By this house! I shall not sleep tonight etc.

There was a time when gentile fish sellers realized that the Jews were particular to purchase fish for Shabbos and would even spend large sums of money to obtain fish for Shabbos. Realizing this, the fish merchants continuously raised their prices knowing that the Jews would continue to purchase fish. The community members agreed that in order to drive the prices down to more reasonable levels, no one would purchase fish for two months. The question, however, rose whether this agreement is allowed, since it would detract from honoring Shabbos properly. Furthermore, since we are taught that a person's parnassah for the year is fixed on Rosh Hashanah other than what is spent to honor Shabbos and Yom Tov, perhaps we should assume that no one will suffer as a result of the skyrocketing cost of fish. In any case, Hashem replaces what is spent to honor Shabbos. It was decided to consult with the author of Teshuvos Tzemach Tzedek for guidance.

Tzemach Tzedek¹ responded that it was permitted for the community to agree to refrain from purchasing fish for the next two months, and he quoted the Mishnah in Kareisos (8a) cited in our Gemara as proof. The Mishnah relates that when

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truncating the 'ק into a 'ס, but not to lengthen them. S"ma questions why Rambam writes that we follow the word "קפל" at the bottom of the document is because it is less than "ספל", when he should have explained that it is due to the fly being able to shorten letters, but not lengthen them. He posits that Rambam holds that flies can change the appearance of letters by shortening or lengthening them. ■

the prices of birds became prohibitively expensive R' Shimon ben Gamliel took an oath that he would not sleep until he would force the bird sellers to lower their prices. He then went to the Beis Din and taught that a woman who is obligated to bring multiple korbanos could fulfill all of her obligations by offering a single korban. Rashi² explains that although his threat involved a prohibition, it was necessary because the alternative would have been that women would not have brought any korban. Hence, if it is permitted to push aside a Biblical matter to drive down prices it is certainly permitted to put aside k'vod Shabbos to drive down the price of fish. Regarding the principle that Hashem repays those who spend money to honor Shabbos and Yom Tov, Tzemach Tzedek explained that that principle applies for wealthy people who have available money to spend. But those who are poor cannot afford to honor Shabbos. How can we expect them to spend money they don't have? ■

1. שו"ת צמח צדק (הקדמון) סי' כ"ח.

2. רש"י כריתות ד"ה נכנס. ■

STORIES Off the Daf

Inflation Fighters

"המעון הזה..."

On today's daf we find that Rabban Shimon ben Gamliel went out of his way to force down the inflated price of birds required for sacrifice. Many times during history, merchants have tried to force people to overpay for what should have been a cheap commodity. The reaction to such tactics has always been to do whatever possible to lower the price.

In one community, the non-Jewish fishermen decided to inflate the price of fish. They knew that Jews require fish for Shabbos, and they figured that Jews of the town would pay any exorbitant price since they must have fish for Shabbos. When

the Jews of the town noticed the stiff price increase they decided to fight back. In shul that week a cherem was proclaimed on anyone who would purchase fish in their town for any reason.

There was a certain person in their city who was very pained by this cherem. After all, it is brought in earlier sources that eating fish on Shabbos is a mitzvah with deep spiritual ramifications.¹ Why should he lose his mitzvah because most of the Jews of their town were poor and they could not afford the fish? If everyone else boycotted, surely the fishermen would put the price down. There was no need for him to lose this special mitzvah.

Of course, he was not foolish enough to violate the cherem, since that would be very serious indeed. But he wondered if he could pay a non-Jew to buy the fish, ostensibly for his own use, and clandestinely bring

it to the wealthy Jewish man afterward.

When he broached this question with the author of Beis Yehudah, zt"l, the rav prohibited such subterfuge. "It is obvious that this is forbidden. First of all, a person's emissary is considered like himself. Although a non-Jew does not have halachic שלוחות, the Beis Yosef explains that this is only לחומר.² Just as you are not permitted to loan with interest to a fellow Jew via a non-Jewish proxy, it is forbidden to violate a cherem in this same manner.

"Another problem is that people will certainly find out or think of this way around the cherem themselves. If this strategy was permitted it would seriously undermine the effectiveness of the cherem altogether!" ■

1. עיין מה שכתב בקיצור שלי"ה וכתבי רמ"ע מפאנו לענין זה

2. ב"י בטור יו"ד, ריש סימן קס"ט ■