

## OVERVIEW of the Daf

### 1) Clarifying the Mishnah (cont.)

R' Pappa presents another version of the exchange between R' Yochanan and Reish Lakish.

הדרן עלך השליח שעשה שליחותו  
וסליקא לה מסכת מעילה



### Massechta Kinnim

2) **MISHNAH 1:** The Mishnah identifies where the blood of different korbanos is applied to the Altar. The distinction between pairs of birds brought for an obligation and pairs of birds brought as a voluntary offering is explained. The difference between a נדר and a נדבה is explained.

3) **MISHNAH 2:** The Mishnah discusses the halacha of chattas and olah birds becoming intermingled and chattas birds or olah birds becoming intermingled with undesignated obligatory offerings.

4) **MISHNAH 3:** The Mishnah first addresses the halacha when equal numbers of pairs of birds become intermingled and then discusses when an unequal number of pairs of birds become intermingled.

5) **MISHNAH 4:** The Mishnah begins with examples of mixtures of pairs of birds that are subject to the rules set forth in Mishnah 3. The Mishnah concludes with cases in which all the birds in the mixture may be offered as a korban. ■

## REVIEW and Remember

1. Is it required to physically separate terumah and ma'aser from produce before consuming it?  
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2. The blood of which korbanos are applied above the red line and which ones are applied below the red line?  
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3. Explain the phrase אין כשר אלא כמנין חטאות שבחובה  
\_\_\_\_\_
4. When is it possible for all the birds that become intermingled to be offered as a korban?  
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## Distinctive INSIGHT

### Ten will be ma'aser rishon

עשרה מעשר ראשון

On 21b, R' Akiva said that if a consecrated coin falls into a wallet full of coins, a person would be guilty of me'ilah when he takes out the first coin and uses it. Then, we are told that Rabbi Akiva admits that if someone says about a wallet full of coins, "A perutah from this wallet will be hekdesch," then even as each coin is removed me'ilah is not violated until the last coin is removed. Ravin reported that Reish Lakish asked R' Yochanan to explain why the halacha is different in these two cases, and R' Yochanan explained it.

On our daf, R' Pappa says that the question posed by Reish Lakish to R' Yochanan was to clarify an apparent contradiction between the case of the coins in our Mishnah and the opinions found in a Mishnah in Masseches D'mai (7:4). There, we find that if someone buys a pouch of wine from someone who is suspect of not separating tithes, R' Meir says that the buyer may declare the designation of the various tithes as the wine is in the pouch, and he may drink, relying on leaving the necessary tithes for the end. We use the concept of ברירה to say that the wine remaining later constitutes the tithes originally designated. R' Yehuda, R' Yosi and R' Shimon prohibit this, as we do not permit retroactive designation of legal status. Reish Lakish noted that according to these later opinions, why does R' Akiva allow removal of each coin in the last case of our Mishnah, saying that the last coin remaining will be the one which was hekdesch? R' Yochanan answered that the case in our Mishnah is where the coin was consecrated by the person saying, "I will not finish taking coins without one being consecrated." Because of the person's statement, all agree that the last coin out is the one which is consecrated.

In the Mishnah in D'mai, before drinking from the one hundred lug of wine in a flask, a person first designates terumah. Then, the person declares, "Ten lug will be ma'aser

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# HALACHAH Highlight

## Responsibility for pledges to tzedaka

מה בין נדרים לנדבות

What is the difference between a neder and a nedavah

Rambam<sup>1</sup> writes that a pledge to tzedaka is comparable to taking a vow. Therefore, one who pledges, "It is incumbent upon me to give a sela to tzedaka," or "I will give this sela to tzedaka" is obligated to give the money to the poor immediately and if he delays fulfillment of his pledge he has violated **בל תאחר**. Poskim wonder whether a pledge to tzedaka is comparable to vows even as far as responsibility is concerned. In other words in our Mishnah we are taught that there is a difference whether a person vowed to bring an Olah with the phrase, "It is incumbent upon me to offer an Olah" and whether he pledged, "I will offer this animal as an Olah." If he accepted the obligation upon himself – **נדר** – he is responsible to replace the animal if something happens to it. If he placed the obligation on the animal – **נדבה** – he is not responsible if something happens to the animal. Does that same distinction apply to a pledge to tzedaka?

Shitah Mekubetzes<sup>2</sup> in the name of Rabbeinu Yehonason asserts that if a person said in his pledge to tzedaka, "I pledge this money to tzedaka" he made a **נדבה** with the intent that if something were to happen to the money he would not be responsible to replace it. Teshuvos Arba'ah Turei Even<sup>3</sup> also agrees that the difference between a **נדר** and a **נדבה** applies to tzedaka pledges as well. It happened once that someone had set aside ma'aser money but held onto it until he could find a

(Insight...continued from page 1)

rishon." Tosafos points out that after the person already designated two lug as terumah, there are only ninety-eight lug remaining. One-tenth of that is only 9.8 lug for ma'aser, not ten. Tosafos explains that "ten" here actually refers to "close to ten," meaning 9.8 lug.

Tosafos cites "some who explain" who answer that technically, terumah may be fulfilled with a token amount. Therefore, although the person stated that two lug would be terumah, the ma'aser amount of the full one hundred should not be diminished because the terumah was given more generously than needed. Tosafos, Ra"n and Rosh reject this explanation as being untenable.

Tosafos in Sukka (23b) explains that perhaps the person is separating tithes from 102 lug to begin with, so after designating the terumah there is a full 100 lug remaining from which he is taking off ten as ma'aser rishon. ■

worthy recipient. A relative's daughter was getting married and since he did not have cash on hand to send to these relatives he sent them merchandise. That merchandise was stolen as it was being transported to the relative and the question that arose was whether he must replace the stolen merchandise because he did not fulfill his pledge of giving the money to a worthy cause. In his response he develops the same approach whereby he distinguishes between a **נדר** and a **נדבה** and a person's responsibility will depend upon the type of vow that was taken. ■

1. רמב"ם פ"ח מהלי עניים ה"א.
2. שיטה מקובצת ב"ק ל"ו: ד"ה עוד כתב.
3. שו"ת ארבעה טורי אבן סי' ו'.

# STORIES Off the Daf

## Theory and Practice

הרי הן תרומה

Today's daf discusses taking terumah. The halachos that are only fulfilled in Eretz Yisrael are mostly relevant to those who live there. When someone asked the Pe'as HaShulchan, zt"l, why his work on Zeraim did not rely more on the rulings of the Chayei Adam's sefer on this subject, he offered a very interesting explanation. "Although the Chayei Adam was a very great posek and his works are largely considered halachah l'ma'aseh among Lithuanian Jewry, this

is not the case regarding the laws of Zeraim. Strangely, he sometimes rules against the accepted practice here in Eretz Yisrael. I believe the reason is that the mastery of these halachos depends on fulfilling them practically. It is not enough to rule on them from a place of theory; they must be fulfilled practically."<sup>1</sup>

One man who lived in Eretz Yisrael decided to grow spices in his garden. When the time came he was told that it was unnecessary to take tithes from spices, so he refrained from doing so. When he told this to a client, the man got very upset.

Naturally, he took this question to a competent posek. "It is true that, according

to the letter of the law, one need not take terumos and ma'asros from spices since they are solely used to enhance other foods and are not themselves considered food. But this is only true regarding spices which are never used as food, even as part of a salad, such as black pepper and others. If the plant used to spice the food is used somewhere for food—even if it is added to a salad as one of the vegetables—terumah and ma'aser must be taken from it. In most cases, we are unsure whether the spice is used for food somewhere, and the custom is to take terumos and ma'asros without a blessing, due to doubt."<sup>2</sup> ■

1. מובא בהקדמה לספר פאת השלחן
2. מובא בספר משפטי ארץ, הלי תרומה, פ"א, סי' ו"ז