

OVERVIEW of the Daf

1) A todah and its temurah (cont.)

Numerous other resolutions are suggested but rejected to remedy the circumstance of having had a todah and its temurah become intermingled and then one of the animals die.

2) **MISHNAH:** The Mishnah presents different ways in which a person could pledge to bring a todah and whether that pledge allows one to pay for the todah or part thereof from ma'aser sheni funds.

3) A declaration to offer todah loaves

R' Huna rules that one who pledges to offer todah loaves must bring the animal part of the korban as well.

Two unsuccessful attempts to refute R' Huna are presented, one from a Mishnah and the second from a Baraisa.

The ruling of the Baraisa that a person could be coerced to bring a todah and its loaves or an animal korban with its libations is challenged.

Chizkiyah and R' Yochanan offer different resolutions of the Baraisa.

A Baraisa is cited in support of Chizkiyah's explanation of the Baraisa.

Abaye and Rava suggest different explanations for the Baraisa's last statement.

4) Clarifying the Mishnah

R' Nachman and R' Chisda explain a ruling in the Mishnah.

R' Nachman and R' Chisda qualify the Mishnah's last ruling as referring to using ma'aser sheni wheat but it is permitted to use wheat purchased with ma'aser sheni money.

R' Yirmiyah also added this qualification to the Mishnah's ruling.

R' Zeira began a criticism of this qualification. ■

REVIEW and Remember

- Does todah bread become sanctified if it is outside the courtyard wall when the animal is slaughtered?
- Does the Torah advocate making vows and keeping them?
- What is the obligation of one who commits to bring todah loaves?
- What is the point of dispute between Chizkiyah and R' Yochanan?

Distinctive INSIGHT

One who stipulates that he wishes to bring the loaves of a Todah from ma'aser funds

תודה עלי מן החילין ולחמה מן המעשר יביא היא ולחמה מן החולין
The Mishnah teaches the halacha of bringing a Todah and its loaves, and whether it and its loaves may be brought from ma'aser sheni money or if it must be brought from unconsecrated money.

The rule in the Mishnah (82a) is that anything which a person has an obligation to bring as an offering must be purchased with unconsecrated money. Our Mishnah rules that even if a person volunteers to bring a todah, and he specifically states that his intention is to bring the loaves from funds of ma'aser sheni, he must still use only unconsecrated funds to purchase the loaves. Tosafos explains that as soon as the person commits himself to bring a todah, he is immediately obligated to bring loaves with it. The loaves are an obligation, and they may not be bought with ma'aser money. The Mishnah says that if a person commits himself to bring a todah only if it is brought from ma'aser money, in this case his stipulation is valid, and the todah may be brought from ma'aser money. This is not the same as where one did not stipulate that the todah must be from ma'aser money, because in this case the todah must be brought from unconsecrated funds, and the loaves automatically share this same restriction. Even if the person clarified within a moment (תוך כדי דיבור) that he wishes to bring the loaves from ma'aser money, this clarification has no bearing on the case. One may not retract a commitment to the Mikdash even within the same sentence (Nedarim 87a).

ש"ך (C.M. 255:#5) challenges Tosafos from a Gemara (Bava Kamma 73b) that a person may retract his words regarding הקדש within a moment of making the statement. The Gemara in Nedarim which says that one may not retract a statement of "מקדש" is referring only to where a man offers kiddushin to a woman, but not to where a person declares something to be consecrated.

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Molkeejon Bat Moshe, Itzhak ben Avraham,
Avraham ben Yousef, Yaacov ben Moshe,
Yaacov ben Yehudah and Moshe ben Yousef Shalom

Today's Daf Digest is dedicated
לע"נ מרת רבקה בת ר' שרגא פאטעל ע"ה
By her children
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HALACHAH Highlight

Destroying items that are not fruit trees

משום דקא ממעט באכילה דארבעים

Because he reduces the opportunity for the consumption of the forty

Rambam¹ writes that one who cuts down a fruit tree in a destructive manner is subject to lashes for violating the prohibition of (Devarim 20:19) “לא תשחית את עצה” – Do not destroy its tree.” He then adds² that the prohibition is not limited to destroying fruit trees; rather someone who breaks a vessel, tears a garment, destroys food, etc. in a destructive manner also violates this prohibition but he is only subject to Rabbinic lashes. Poskim question whether the destruction of items other than fruit trees violates the Biblical prohibition or is it merely a violation of a Rabbinic injunction.

Sdei Chemed³ writes at length about this topic and observes that from the manner in which Rambam formulates these halachos it seems as though the destruction of other items is also a violation of the Biblical prohibition. He then challenges Noda B’Yehudah’s assertion that since Rambam writes that one who destroys other items is only subject to Rabbinic lashes it means that the prohibition is Rabbinic in origin. Sdei Chemed asserts that it is possible that the origin of the prohibition against destroying other items is in fact Biblical, and the reason the one who violates the prohibition is only subject to Rabbinic lashes is that the prohibition is not explicit in the verse.

Teshuvos Dovev Meisharim⁴ cites Rashi’s comments to our Gemara as proof that it is Biblically prohibited to destroy items other than trees.

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Nevertheless, ת"ש cites the view of Rambam (Hilchos Ma’asei HaKorbanos 15:1), among others, who rule that one may not retract a statement of consecration even within a moment. ת"ש concludes that based upon the Gemara in Bava Kamma, his view is correct that one may retract a statement of consecration, just as one may retract any statement within the first moment. He writes that it seems that the other commentators, including Rambam, must have overlooked the Gemara in Bava Kamma.

Minchas Chinuch (Mitzvah 350:11) writes that there may be a difference between consecrating an animal for an offering, where one may not retract his words, as opposed to where one promises and obligates himself to bring an offering, which may be retracted within a moment, as any other vow. ■

Our Gemara teaches that it is not an option for one to bring eighty loaves when he is uncertain whether he is obligated to offer one todah or two. The reason is that it will diminish the eating of the forty. Rashi⁵ in his third explanation writes that if one uses eighty loaves it will cause the extra loaves to become nosar and consequently destroyed. However, since it is possible that they are not nosar one violates the prohibition of **בל תשחית** for destroying them. This clearly indicates that one violates the Biblical prohibition for destroying an item of use. ■

1. רמב"ם פ"ו מהלי מלכים ה"ח.

2. רמב"ם שם ה"י.

3. דשי חמד פאת השדה מערכת הבי"ת סי' מ"ז.

4. שו"ת דובב מישרים ח"ב סי' ט"ז.

5. רש"י ד"ה ענין אחר. ■

STORIES Off the Daf

The Daily Thanksgiving Offering

"האומר הרי עלי תודה..."

We find in today’s daf that it is possible to obligate oneself to bring a korban todah. This person understands that everything he has is from Hashem and he is filled with gratitude. Daily miracles are no less than a miraculous recovery from illness, escaping a dangerous situation or the like.

But how can one attain a deep appreciation that everything is a gift from Hashem? The Alter of Kelm, zt"l, explains this in depth. “It is very difficult feel

hakaras hatov to Hashem since we do not see Hashem’s kindness with our physical eyes. It is only with the mind’s eye that one understands what Hashem is always doing for him. Our first task in feeling gratitude is to undergo an inner transformation. Our intellectual understanding that we must have hakaras hatov must become our deep inner feeling. The more we work to strengthen our feelings of hakaras hatov, the stronger our appreciation will become. Eventually we will begin to recognize the myriads of kindnesses which Hashem does for us at all times.

“But there is a powerful way to develop hakaras hatov. As everyone knows, the reason for berachos—those that we

say before partaking of something or those that serve to praise Hashem afterward—help us to focus on what Hashem has given us and expressing thanks for His kindness. A wondrous way to attain hakaras hatov is by focusing on saying berachos with full attention so our hearts are attuned to what we are saying.

“Since our entire day is laced with berachos, it becomes easy for us to acquire hakaras hatov. Each blessing recited carefully helps our awareness of gratitude penetrates deeper and deeper, until we come to truly feel gratitude for everything that Hashem has done for us. Truly a wondrous way to work on this trait!” ■

1. בית קלם, מדות, ע"י ש"פ-שפ"א ■

