



OVERVIEW of the Daf

1) Partial declarations for tzedaka

The Gemara asks whether a partial declaration for tzedaka is binding.

The inquiry is clarified but left unresolved.

2) Partial declarations of hefker

The Gemara asks whether a partial declaration for hefker is binding.

This inquiry is challenged because it seems to be the same inquiry made about tzedaka.

The distinction between these two inquiries is explained.

3) Partial declaration pertaining to designation of an outhouse

Ravina asks whether a partial declaration of an outhouse designation is binding.

The Gemara begins to clarify the inquiry.

It is noted that this inquiry assumes that designating a room as an outhouse is binding. This is difficult since Ravina inquired whether even a full designation is binding.

The Gemara answers how one inquiry follows the other.

The inquiry is left unresolved.

4) Clarifying R' Akiva's position

Abaye notes that even though R' Akiva ruled stringently he would not administer lashes.

R' Pappa clarifies the exact point of dispute between R' Akiva and Rabanan.

This explanation is at odds with R' Chisda's understand-

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REVIEW and Remember

1. What is an example of a partial tzedakah declaration?

2. Does designating a room as an outhouse have any halachic effect?

3. What is the appropriate reaction if one hears his friend say Hashem's name in vain?

4. What three lessons were derived from the incident involving R' Huna?

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Distinctive INSIGHT

A less than specific expression (יד) in the realm of tzedakah
ש יד לצדקה או אין יד לצדקה

The Gemara is in the midst of a series of inquiries regarding the legal status of a statement which provides a strong indication of intent of the speaker, but it does leave room for various interpretations. These are called ידות. Are these legally binding, even though the speaker is not fully explicit regarding his intentions? The question on our daf is whether such an expression is valid regarding tzedakah.

Rashba learns that the questions here are sequential. In other words, if we would resolve the previous question in reference to פאה in the affirmative, and that an expression lacking in specificity is adequate in designating a furrow as פאה, perhaps this is only in reference to פאה, which is scripturally associated to the קרבנות (via a היקש). What, however, is the halacha regarding tzedakah? And even if one might argue that פאה itself is a form of tzedakah, there still is room to argue and differentiate. פאה is obligatory, so even a flimsy expression might be adequate, whereas any particular gift of tzedakah is optional, and perhaps a more substantial expression is necessary.

ר"ן writes that the question regarding פאה and that of tzedakah were asked independently, and the questions are parallel.

Shita Mikubetzes asks why should a יד involving tzedakah not be adequate. Once the person has decided in his mind to give the money, his commitment is binding (שבועות כו) and any expression he uses should be enough to express the intent he has in his heart. He answers that our Gemara is probing whether or not the person has, in fact, decided in his heart whether to give the tzedakah, and we are analyzing how to interpret his flimsy expression. The Gemara in שבועות is discussing a case where we know that the person has decisively decided to give the tzedakah. In that case, his intent is binding (according to that opinion).

Rabbi Akiva Eiger (Teshuvos 5:68) explains that even if we say that the person's decision in his heart constitutes a commitment, the question in the Gemara is whether there is a יד for tzedakah, and the person is to fulfill his statement (מוצא מוצא), and we can compel him to do so (כופין), or is the statement meaningless, and we could not force the person to fulfill his words. ■

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by Mr. and Mrs. Ira Arthur Clair and family
In loving memory of their mother and grandmother
on her 10th yahrzeit
מרת אסתר רייזל בת ר' אפרים פישל, ע"ה
Mrs. Esther Clair O.B.M.

HALACHAH Highlight

Reading the Name of Hashem

אמר ר' חנין אמר רב השומע הזכרת השם פמי חבירו צריך לנדונו
R' Chanin said in the name of Rav one who hears his friend say the name of Hashem must place him in נידוי.

Shulchan Aruch¹ rules that it is permitted to teach children how to recite berachos even with the name of Hashem and this is permissible even though the child will recite the beracha needlessly. Furthermore², even the one who is teaching the child how to make a beracha is permitted to recite the name of Hashem and it is not necessary to say, "Hashem." Pri Megadim³ writes that one is permitted to recite Hashem's name even with a child who has not yet reached the age of chinuch (As far as grasping that a beracha is an expression of thanks to Hashem⁴) in order to teach him to recite berachos properly. Rav Moshe Feinstein⁵ ruled that it is also permitted to recite berachos with adults who did not learn how to recite berachos when they were younger.

Mishnah Berurah⁶ rules that when an adult is learning Gemara and comes upon a beracha he should not mention Hashem's Name when studying that section. On the other hand, when one comes upon a pasuk or even a phrase from a pasuk, in the Gemara it is permitted to recite the Name of Hashem when reading that verse. Some authorities⁷ maintain that not only is it permitted to mention Hashem's name but it is also mandatory to do so. The rationale behind their position is that it is disrespectful to Hashem to mispronounce His name. Other authorities⁸ maintained the practice of not pronouncing Hashem's name while they were learning or giving drashos,

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ing of this dispute.

נידוי 5)

R' Illa said in the name of Rav that if someone is placed in נידוי in his presence the נידוי may only be annulled in his presence.

R' Chanin in the name of Rav states that one who hears his friend say the name of Hashem in vain, he should place him in נידוי and if he doesn't he should be placed in נידוי.

The rationale behind this ruling is explained.

A related incident is recorded.

R' Gidal in the name of Rav teaches that a Torah scholar may put himself into and take himself out of נידוי.

The novelty of this ruling is explained.

An example of when it is appropriate for a Torah scholar to place himself in נידוי is cited. ■

even when they would recite an entire pasuk. A related issue⁹ is whether it is permitted to say Hashem's name while singing zemiros. Although it may technically be permitted since it is recited in praise of Hashem, nonetheless, Poskim oppose the practice since many times it is said without thought. Some Poskim permit the recitation of Hashem's name only when singing the ancient zemiros of Shabbos and Yom Tov. ■

1. שו"ע או"ח סי' רט"ו סע' ג'

2. מ"ב שם ס"ק י"ד

3. סי' תרנ"ז מ"ז סק"א

4. ע' שו"ת יב"א ח"ח סי' כ"ה אות ח'

5. שו"ת אג"מ ח"ב סי' נ"ו

6. מ"ב שם

7. ע' ספר פסקי תשובות ח"ב סי' רט"ו אות י' הע' 55

8. פסקי תשובות שם הע' 57

9. ע' פסקי תשובות שם אות י"ח ■

STORIES Off the Daf

Mar Zutrah Chasidah

משמית נפשיה ברישא

Today's daf tells of Mar Zutrah Chasidah, the pious. When he was required to put one of the students in the beis medrash in נידוי he would first place himself in נידוי and only then put the student in נידוי. The Ran comments that he was called a chasid since what he did is a **מדת חסידות**, goes above and beyond the letter of the law. The Klausenberger Rebbe, ז"ל, would cite this as a source for the words of the Ba'al Shem Tov, ז"ל: "If you see something bad in your friend it is a

sign that you have the same problem on some level. What one perceives in one's fellow Jew is like looking into a spiritual mirror and should be taken as a heavenly hint to improve."

Rav Aharon of Belz, ז"ל, was very particular not to see anything negative in another Jew. Once, when he was still Rav in Belz, a chossid came before him and claimed in a self-righteous manner that a certain barber had violated the Shabbos. He was certain of this because he had seen with his own eyes the barber closing his shop well after nightfall on Friday night.

The Rav called the barber to him and questioned him thoroughly. In his questions, he tried to convince the barber that it had really been an accident. "Surely you

didn't notice that it was already dark?!" The barber admitted this, agreed that it was an oversight, and said he was sorry.

The Rav then said to the barber, "Since you accidentally left your shop open on Shabbos, you must give a Rotel of candles to the Beis Medrash to atone for your sin."

He then turned to the chasid, "As for you... In order to atone for having seen this man profane the Shabbos, you must give two Rotel of candles."

The Rav continued, his voice charged with emotion, "And as for me, I must give five Rotel to atone for the fact that in my city a man violated the Shabbos in such a blatant manner!" ■

