



נדריים ל"ו

OVERVIEW of the Daf

1) Kohanim (cont.)

R' Shimi bar Ashi unsuccessfully attempts to demonstrate that kohanim are the agents of Hashem.

An unsuccessful attempt is made to demonstrate that kohanim are the agents of Hashem from a Mishnah in Gittin.

2) Bringing a Korban on behalf of someone else

R' Yochanan's earlier ruling and rationale why one is permitted to bring a Korban for one who lacks atonement is cited.

R' Yochanan's ruling is challenged because if his logic was correct it should allow other circumstances where one should be permitted to bring a Korban on behalf of another.

This challenge is deflected.

Another challenge to R' Yochanan's rationale is presented.

R' Zeira rejects the challenge and support for rejecting the challenge is found in a Mishnah in Pesachim.

A Baraisa is cited that supports this interpretation of the Mishnah in Pesachim.

3) Separating terumah for another

The Gemara inquires whether it is necessary to obtain permission to separate terumah from one's produce on behalf of

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REVIEW and Remember

1. What is the punishment of a kohen who makes a korban pigul?
2. Is there a Biblical requirement for a father to register his minor children for the Korban Pesach?
3. What would be the rationale to permit someone to separate terumah on behalf of his friend without getting prior permission?
4. What is the טובת הנאה of terumah?

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Distinctive INSIGHT

The race to the Korban Pesach

תניא נמי הכי מעשה היה וקדמו בנות לבנים ונמצאו בנות זריזות ובנים שפלים

The Gemara concludes that there is no obligation from the Torah for minor children to reserve their portion in order to eat from the Korban Pesach. The verse "שה לבית אבות"—a sheep for a household—is not understood to be a Torah directive. The fact that a father may share his קרבן with his minor children therefore cannot be brought as a proof that one adult may bring an offering on the behalf of another adult without his knowledge. Once the Torah allows a child to eat from the Pesach without an advance reservation, we see that there is no need for them to express consent to participate in this offering.

The Gemara brings a Baraisa with a story to illustrate this case. A father declared to his children that he would slaughter a Korban Pesach having in mind whoever among them who would arrive in Yerushalayim first. At the end, the daughters arrived first, and they acquired their portion and the portions of their brothers along with it. Now, if the Torah requires that even minor children formally reserve their portion of the Korban Pesach at the moment it is slaughtered, how is it that the father could slaughter the animal earlier in the day without knowing which of his children was going to arrive first? Rather, this proves that there is no necessity to reserve their portions, and the father's declaration was to be understood as a ploy to encourage and motivate his children to hurry to do mitzvos.

According to our Gemara's presentation of the story, it involved minor children, and the father's rationale was to motivate them to do mitzvos. Yet, the Gemara in Pesachim (89a) and Gittin (25a) also cite this incident, and it is dealt with from a different perspective. There, the issue is one of ברירה, whether the father can slaughter the animal earlier in the day and state that he is including those children who will later cross the finish line first. This utilizes the legal concept of "retroactive clarification." Can we say that the ones to be determined later are the ones which the father had in mind already ahead of time, at the moment of the slaughter? The Gemara suggests that this is not necessarily the case, and that the father in fact had all of his children in mind at the moment of slaughter, but he did not reveal that fact to them. He had them believe that they were to earn their portion in the Korban Pesach by winning the race.

Tosafos in Gittin notes that our Gemara in Nedarim and the other two references in Pesachim and Gittin are at odds as to how to understand this case. Here we say that a child has no Torah requirement to reserve a portion of the Korban Pesach, while the other Gemaras assume that the need for them to have a reservation is essential from a Torah standpoint. ■

Today's Daf Digest is dedicated
 Shmuel Zvi b"r Nechemia haKohen, z"l

HALACHAH Highlight

Asking a child to carry a key on Shabbos

אמר ר' זירא שה לבית אבות לאו דאורייתא

R' Zaira said that the mitzvah, "a lamb for each father's house," is not a Biblical obligation

A common hilchos Shabbos question is whether it is permitted to allow a child to carry on Shabbos. For example, if one arrives at shul and realizes that there is no key, is it permitted to allow a child to carry the key to shul? Some authorities¹ maintained that it is permitted, and based their position on a ruling of the Taz². Taz ruled that it is permitted to allow a child to carry a key to shul on Shabbos because the act is categorized as a שבות שבות—two layers of Rabbinic prohibition in the context of mitzvah fulfillment, i.e. carrying in our streets is itself only a Rabbinic prohibition, secondly, it is only Rabbinically prohibited for a child to carry, therefore in the context of a mitzvah, i.e. opening the shul for the community to daven, the act is permitted.

Rav Ovadiah Yosef³ rejects this position for a number of different reasons. One primary reason is that only a minority of opinions maintain that our streets do not have the status of a public domain. Therefore, once we accept the premise that carrying involves a Biblical prohibition, the question becomes more difficult to permit because of the principle that one is not allowed to give a child something that is prohibited אסור למספי ליה בידים.

Rav Yosef continues to argue that even if we were to accept the position of those who maintain that carrying in our streets only involves a Rabbinic prohibition it is still difficult to permit allowing a child to carry the key. The reason is that there is a dispute amongst the Rishonim whether it is permitted to instruct a child to violate a Rabbinic prohibition in order to perform a mitzvah. Tosafos⁴ maintains that it is permitted whereas the Ran⁵ refutes Tosafos' proofs. Thus Chasam Sofer⁶, for example, wrote at great length refuting the position of Taz and concluded that his

(Insight. Continued from page 1)

another's grain.

The inquiry is explained.

An unsuccessful attempt is made to resolve this inquiry from our Mishnah.

R' Yirmiyah asked R' Zeira who has the right to choose the kohen to receive the terumah in a case where one person separated terumah on behalf of another.

Both sides of the inquiry are explained.

R' Zeira cites a pasuk that indicates that the owner of the produce has the right to distribute the produce to the kohen of his choice.

An unsuccessful attempt is made to refute R' Zeira.

R' Avahu in the name of R' Yochanan rules that the one who does the separating has the right to choose which kohen will receive the terumah.

4) Teaching Torah to a person who is forbidden by a vow to derive benefit from him

Shmuel explains the rationale of the Mishnah why it is permitted to teach Torah but nor Midrash to one who is forbidden by a vow to derive benefit from him.

The Gemara asks Shmuel how he knows to make this distinction in the Mishnah. ■

opinion may not be relied upon. Maharam Shik⁷ also wrote against Taz's position on this matter and noted that even the lenient opinions that permit a child to violate a Rabbinic prohibition limit their lenient ruling to where the act serves the child, e.g. if the child carries his siddur or chumash to shul, but not when he does the act for others. ■

1. שיטת קיצור שלחן ערוך השלם המובא בשו"ת יבי"א ח"ו אר"ח סי' מ"ח אות י"ט
2. ט"ז אר"ח סי' שמ"ו סק"ו
3. שו"ת יביע אומר הנ"ל
4. תוס' פסחים פח ד"ה שה לבית
5. ר"ן לסוגייתנו ד"ה א"ר זירא
6. שו"ת חת"ס ח"ו סי' י"ג
7. שו"ת מהר"ם שי"ק אר"ח סי' קע"ג ■

STORIES Off the Daf

Faithful emissaries

בשלמא שלוחי דשמיא הוו...אלא אי אמרת שלוחי דידן הוו

Today's daf continues the machlokes of the previous one. Are kohanim emissaries of Hashem or the Jewish people?

Once someone asked Rav Yechezkel Abramsky, זת"ל, "How can we say that kohanim are emissaries of Hashem? They can be emissaries if the Jewish people because the people have obligations and the kohanim

bring the sacrifices in their place, discharging their obligation. But saying they are messengers of Hashem seems difficult."

Rav Abramsky replied, "This is not difficult at all. The Gemara merely means a different type of שליחות. If we say that kohanim are emissaries of Hashem, this doesn't mean they are discharging Hashem of any sort of obligation, חלילה. It means they are messengers doing the will of Hashem like an ox or beast of burden works for a person, as it were."

The Imrei Emes, זת"ל, said that a lesson could be gleaned from both opinions. "Both are true in a metaphoric sense. When

the kohanim are in a spiritual slump and the Jews they are doing the avodah for are in a more elevated spiritual state, the kohanim are elevated by virtue of their doing the avodah on behalf of the Jews. As their messenger they are lifted up in their merit, since the halachic rule is, שלוחו של אדם כמוותו. However, when the Jewish people are less spiritually elevated than the kohanim, the avodah lifts them up to higher spiritual levels since in such a situation the kohanim are שלוחים of Hashem. In the merit of the kohanim doing His will, the Jewish people are uplifted!" ■