

OVERVIEW of the Daf

1) Choosing one of two available goats for Hashem (cont.)

The Gemara concludes its citation of a Mishnah which it will use to support R' Yochanan's position that the goat from the first pair is sent to graze and the goat from the second pair is offered as the korban.

The proof for R' Yochanan from the Mishnah is refuted.

The Gemara unsuccessfully attempts another proof for R' Yochanan's position.

A second version of an exchange from the previous daf is cited, this time in support of Rav rather than in support of R' Yochanan.

2) Clarifying the Mishnah

The Gemara questions why the blood of the sacrificial goat has to be spilled out if the goat for Azazel dies. Once the mitzvah with the goat for Azazel has been performed, its death should not be of consequence.

The Yeshiva of R' Yannai cites a pasuk that indicates that the goat for Azazel must remain alive until the blood applications of the sacrificial goat have been performed.

3) Extra shekalim

A Mishnah in Shekalim is cited that teaches the dispute between Tanna Kamma and R' Yehudah regarding a town whose shekalim were lost, but the missing shekalim were found after they were replaced. According to Tanna Kamma, the missing coins may not be applied towards the next year's obligation whereas according to R' Yehudah they may be applied towards the next year's donation.

Rava suggests that the rationale behind R' Yehudah's position is that money designated for this year may be used for next year's obligation.

Abaye successfully challenges Rava's explanation from a ruling of R' Yehudah that extra Yom Kippur animals are left to die. According to Rava they would have been saved and used for the next year.

R' Zeira suggests that the rationale behind R' Yehudah's position, concerning the extra Yom Kippur animals, is that the lottery does not create designations from one year to the next.

R' Zeira's explanation is successfully refuted.

The Rabbis before Abaye suggested that the rationale behind R' Yehudah's position is the fear that the Kohen Gadol may die and the bull would be disqualified as a chatas whose owner died.

This explanation is challenged. ■

Distinctive INSIGHT

The lottery does not carry its effect from one year to the next

אלא אמר רבי זירא לפי שאין הגורל קובע משנה לחברתה

The Gemara stated that Rabbi Yehudah holds that obligatory offerings from one year that were not yet offered may be brought in the subsequent year. Abaye challenged this with another statement of Rabbi Yehudah regarding the bull or the two goats of Yom Kippur that were temporarily lost and a replacement was selected and offered in their place. If the new set was already used, Rabbi Yehudah rules that the former set must be left to die. If our account of the opinion of Rabbi Yehudah is correct, we should keep the unused set for the next year, and use them then. The Gemara answers that in the case of the goats, being that they are communal offerings, we follow the standard of Rebbe Tavi in the name of Rebbe Yoshaya who says that communal offerings must always be brought from funds of the new year. However, in regard to the bull, which is from the personal funds of the Kohen Gadol, why would Rabbi Yehudah state that it must die?

Rabbi Zera answers that the problem is that the lottery determination is not effective from one year to the next. We disqualify the goats in this case so that no one would mistake

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REVIEW and Remember

1. If the messenger delivering the shekalim is robbed, to whom does he swear?

2. How does Abaye attempt to refute Rava's explanation of R' Yehudah?

3. Is a korban acceptable if it was brought from last year's funds?

4. How do we calculate a year for the halachos related to the sale of a house in a walled city?

Today's Daf Digest is dedicated
In memory of
Florence bas Louis, a"h
Mrs. Florence Sonnenschine
By her friends and neighbors

HALACHAH Highlight

The responsibility for money collected in a pushka kept at home

תנן התם בני העיר ששלחו את שקליהן ונגנבו או שאבדו

We learned in the Mishnah there: "If the residents of the city sent their shekalim and they were stolen or lost..."

Rambam¹ distinguishes between an agent who is a paid watchman (שומר שכר) and one who is an unpaid watchman (שומר חנם). A paid watchman is responsible for lost or stolen shekalim, whereas the unpaid watchman is not responsible for lost or stolen shekalim (save the obligation to take an oath). In line with this halachah one could ask what is the responsibility of a person who maintains a tzedakah box in his home? If the money becomes lost or is stolen does the homeowner bear any responsibility to the tzedakah institution for the lost money?

The Tzitz Eliezer² was asked this question by children who discovered tzedakah boxes in their deceased father's home. As items were moved from place to place tzedakah money was lost either in part or entirely. Were the children responsible for the missing money?

The Tzitz Eliezer ruled that one who maintains a tzedakah box in his home bears no responsibility for the money because one does not accept the responsibilities of a watchman. Keeping the tzedakah box is the equivalent of a person telling his friend, "My house is available for use." Shulchan Aruch³ rules that such a statement does not constitute acceptance of responsibility. Furthermore, the accepted practice is to leave the tzedakah box out in the open. This is a clear indication that the homeowner does not accept responsibility for the tzedakah

(Insight...Continued from page 1)

enly think that the lottery from one year does function from one year to the next. We also disqualify the bull in this case, as a precaution that no one get confused and think that we may offer the goats in such a case.

Tosafos Yeshanim points out that if the lottery results have no effect from one year to the next, why should the animal have to die? Once the designation as לעזאזל or שער לעזאזל is no longer in effect, the goats should be able to be used for a different offering, such as a musaf for one of the festivals. In Tosafos Yeshanim answers that although the specific designation which goat will be לעזאזל and which will be לעזאזל is no longer fixed, the lottery does, nevertheless, preclude these animals from being used for any other offering other than for this procedure on Yom Kippur. ■

box⁴. Even if the homeowner made a declaration that the money should go towards tzedakah, thus making a vow, he would not be responsible for the missing money because he could claim that halachah follows those opinions that look at the money in the tzedakah box as if it reached the possession of the tzedakah collector (גבאי צדקה) and he is relieved of any further responsibility⁵. ■

1. רמב"ם פ"ג מהל' שקלים הל' ח' וט'. "בני העיר ששלחו את שקליהן ביד שליח ונגנבו או אבדו אם שומר חנם הוא הרי זה נשבע להם ונפטר כדון כל שומרי חנם וכו' שלחו את שקליהם ביד שומר שכר שהרי היו חייב בגניבה ואבידה וכו'."
2. שו"ת ציץ אליעזר חט"ז סי' כ"ט
3. שו"ע חו"מ סי' רצ"א סע' ב' וז"ל, "שומר חנם הוא, שהפקיד אצלו כסף או כלים או בהמה או כל דבר לשמור והוא קבל עליו לשומרו, ואפילו לא קיבל בפירוש אלא שאמר לו הנח לפני הוא שומר חנם, אבל אם אמר לו הנח לפניך או הנח סתם, או שאמר לו הרי הבית לפניך (רמב"ם פ"ב מה' שכירות וטור), אפילו שומר חנם לא הוא ואינו חייב שבועה כלל
4. צי"א שם וז"ל, "ולא שייך לטעון דכספים אין להם שמירה אלא בקרקע, עי על דעת המנהג הוא מפקיד בידו והא המנהג בקופסאות לא להטמינם כי אם להניחם גלוי בצורה שכל אחד מניח אותם, וכו'"
5. ועל כן נראה לי דבודאי יוכל זה שנתן לקופה לטעון קי"ל כדעת גדולי הפוסקים דהו"ל זה כבא לידי גבאי, וכו'." ■

STORIES Off the Daf

A new offering

אמר קרא (במדבר כח) זאת עולת חדש בחדשו

This verse is used as a proof on today's daf regarding the inadmissibility of last year's goat since it was purchased with the prior year's funds. Rav Hirsch, zt"l, explains that communal offerings must be paid for with funds that embody the freshness of the people's rededication to God of that year. Just as each day brings its own refreshing renewal, every year does so as well. The Arizal explains this further. Each year, we acquire a new

facet of the Torah. This is the inner meaning of Chazal's statement that the Torah has "seventy faces"—the average number of years in a person's life. During each year, a new aspect of the Torah is revealed within the collective soul of the Jewish people—and last year's נדבת לב cannot be rolled over into a new year!

A talmid once asked Rav Shach, zt"l, "Why do you work so hard preparing your lectures? It's all written down in your work Avi Ezri. Why not just review it before the shiur?"

The Rosh Yeshivah explained, "You should know that it is impossible to learn Torah and really transmit it to one's students through seforim alone. The stu-

dent must hear Torah from a Rav who is living that which he teaches so it can enter into his heart. If I were to teach my shiurim straight from Avi Ezri, I would merely be mouthing that which has already been written, without having to add any new effort. How can I possibly give over the Torah if my students won't feel how I toiled to gain a proper understanding? If I were just going to read from a book, surely it would be better to quote from the K'tzos or Rabbi Akiva Eiger, zt"l, instead of my shiur! If you want to understand the true meaning of transmitting Torah, it is that 'words that come forth from the heart can enter into the heart of another.' ■