

OVERVIEW of the Daf

1) Rav's participation in the vote regarding סיקריקון

Rav reports that he was on the Beis Din that changed the סיקריקון law and notes that he was the first to cast his vote.

The Gemara questions why Rav voted first rather than Rabbi.

Rabbah the son of Rava or R' Hillel the son of R' Vallas answers the Gemara's question.

Tangentially, the Gemara cites another teaching from Rabbah the son of Rava or R' Hillel the son of R' Vallas.

This second statement is unsuccessfully challenged.

R' Acha the son of Rava makes a similar statement.

2) MISHNAH:

The Mishnah discusses the Rabbinic enactments that allow people who are deaf-mute or minors to engage in business transactions.

3) Clarifying the dispute between Tanna Kamma and Ben Besairah

R' Nachman asserts that the dispute whether a deaf-mute mouthing his intentions is valid is limited to the transfer of movable property but regarding a גט all opinions agree that he must use a hand signal.

The necessity for this explanation is explained.

A second version of R' Nachman's statement is presented.

4) Transactions of minors

Different opinions are cited regarding the age at which minors can make transactions.

The Gemara asserts that the different opinions do not disagree with one another.

R' Abba bar Yaakov in the name of R' Yochanan explains why the Sages enacted a method of transferring property for children.

Another teaching from R' Abba bar Yaakov in the name of R' Yochanan is presented.

R' Yona in the name of R' Zeira rules that concerning overpaying or undercharging children are subject to the same rules as an adult.

R' Yeimar and Mar the son of R' Ashi dispute whether a child is able to give a gift.

(Overview...Continued on page 2)

REVIEW and Remember

1. How was the voting by the members of Beis Din in a capital case conducted?

2. At what age is a child considered fit, rabbinically, to make transactions?

3. What are the sources that a Kohen is called to the Torah first?

4. Who is called to the Torah first if there is no Kohen present?

Distinctive INSIGHT

At what age is a child competent to conduct business?

ולא פליגי כל חד וחד לפי חורפיה הפעוטות מקחן וממכרן ממכר במטלטלין, ועד כמה וכו' ולא

The Mishnah rules that the financial dealings of מטלטלין of young children is valid, as long as the child is aware of his actions. Rav Yehuda explains that the child must be about six or seven years old, and Rav Kahane held that the child had to be in the range of seven or eight years old. A Baraisa notes that he must be nine or ten. The Gemara explains that these opinions are not in dispute. The halacha recognizes that each child is measured according to his particular degree of awareness. If a child demonstrates that he is aware of what is happening, and he is familiar with the consequences of his actions, his transactions are valid, even if he is as young as six or seven years old. Nimukei Yosef writes that we do see from here, however, that if a child is below age six, there is no legal validity to his transactions, even if he shows signs of competency.

Similarly, Tur writes (C.M. 235:1) in the name of his father (רא"ש), that once a child is above ten years old, his sales and purchases are valid even if he has not shown strong financial acumen, as long as the young child does not show any indications of being an imbecile. Tur also cites the opinion of the רמ"ה who says that although we can rely upon the general assumption that the average ten year old has a familiarity with the effects of buying and selling, if we are aware that a particular child has no competence in this area, his transactions will have no legal validity.

קובץ הערות (66:6) writes that there are two general categories regarding children. Before a child has developed an awareness of the consequences of transactions, he is incompetent and his actions have no validity. Once a child demonstrates that he is attentive and prepared to transact business with others, he is treated as an adult and his financial dealings are valid. Nevertheless, a minor is not authorized to effect kid-dushin or a קנין, as the Torah requires that a person be an adult in these areas.

The Gemara explains that the reason a child's actions are valid is in order for him to be able to support himself (כדי חיי). Aruch Hashulchan writes (235:1) that he may sell even more than he needs to subsist. It would be impractical to limit sales to a minimum, as a buyer would never know how much the child needs at any moment. ■

Today's Daf Digest is dedicated
By Eliyahu and Devorah Millen
ה' עמנו הודאה על כל החסד שעשה ה' עמנו

HALACHAH Highlight

Are levi'im prioritized ahead of yisroelim?

Rather a kohen comes first and then a levi.

Tur¹ cites a comment of R' Yehoshua ben Levi in Yerushalmi where he states that he never led Birkas Hamazon in the presence of a kohen and a yisroel never led Birkas Hamazon in his presence. Since R' Yehoshua ben Levi was a levi the Yerushalmi seems to indicate that a levi has priority to lead Birkas Hamazon ahead of a yisroel. Maharam of Rottenberg disagrees and asserts that a levi does not have priority of a yisroel and the reason R' Yehoshua ben Levi always led Birkas Hamazon when there was no kohen present was his greatness in Torah rather than that he was a levi. Bach² finds the approach of Maharam of Rottenberg to be unreasonable since it implies that R' Yehoshua ben Levi was never in the presence of someone greater than himself in Torah.

Magen Avrohom³ suggests that a disagreement concerning the correct nussach for the piyut נודה לשמך is related to the dispute between Maharam of Rottenberg and Bach. One version reads ברשות הכהנים והלויים and a second version reads ברשות הכהנים והלויים. According to the first version one is asking permission from kohanim and levi'im separately whereas according to the second version one is asking permission from the kohanim who are also called levi'im. Magen Avrohom then notes that the Gemara in Horayos (13a) supports Bach's position that a levi is prioritized ahead of a Yisroel and Shulchan Aruch⁴ also rules regarding the distribution of tzedaka that a levi should come before a yisroel.

אלא כהן ברישא והדר לוי

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It is asserted that R' Ashi ruled that the gift of a minor is a valid gift.

5) **MISHNAH:** The Mishnah enumerates a number of enactments that were put in place in order to promote peace.

6) The order of aliyos

Different sources are cited that identify the source that a kohen is called to the Torah first, followed by a Levi who is followed by a Yisroel.

R' Yosef asserts that the order of those called to the Torah is Biblically mandated but the Torah did so in order to promote peace.

Abaye successfully challenges this explanation and offers an alternative explanation.

R' Masna asserts that during the week a kohen may allow others to be called ahead of him since it is unlikely that it will lead to arguments.

The Gemara explains why R' Yochanan offered one explanation for why a kohen cannot follow a kohen and another explanation why a levi cannot follow a levi. ■

Therefore, it seems that in all areas a levi should take priority over a yisroel. He hesitates, however, to draw a final conclusion on the matter since the Yerushalmi in Horayos comments that nowadays levi'im and yisroelim are treated equally. It was only during the time of the Beis Hamikdash that a levi was given priority over a Yisroel. ■

1. טור אר"ח סי' ר"א.
2. בי"ח שם ד"ה גרסינן בירושלמי.
3. מג"א שם סק"ד.
4. שו"ע יו"ד סי' רנ"א סעי' ט'. ■

STORIES Off the Daf

Better than Gold and Silver...

"מימות משה ועד רבי לא מצינו תורה וגדולה במקום אחד..."

It is well known that Rav Yisrael of Ruzhin, ז"ל, maintained a resplendent court. Chariots, palatial dwellings outfitted with the finest furnishings, even expert musicians were part of his everyday life. Even many great Rebbes wondered what was behind this unusual display of materialism. Defenders of the Ruzhiner point out that Rav Yisrael was a kadosh from childhood and surely this opulence was necessary for his particular avodas Hashem. After all, were not many of the greatest Jews very wealthy? Although Rabbeinu Hakadosh said that he derived no personal pleasure from this world, the delicacies at his table

were truly fit for a king. We see from his example that there is no inherent contradiction.

Not only tzaddikim wondered what was behind the Ruzhiner's unusual trappings; some maskilim also found it perplexing. Although the Ruzhiner's lighting wit and erudition made a positive impression even on estranged Jews, a group of such maskilim once asked him to explain the rationale behind the grandness of his court. "How is all this consistent with true piety?"

Rav Yisrael replied, "When Avraham Avinu went to bring the word of Hashem to the masses, he required 'רכוש גדול,' great wealth. The reason for this is simple: fools only respect the wealthy. We find this message in Gittin 59 as well. There the Gemara tells us that from the time of our teacher Moshe until Rebbe Yehudah HaNasi, we didn't find Torah and extravagant material wealth together. Similarly, the two could

not be found in one place from Rebbe until the time of Rav Ashi.

He continued, "But one may well ask, why? Why is it only in these three that we find Torah and great wealth together? The reason is that each of these had a different important matter regarding which he needed to influence the Jewish people. Moshe gave us the Torah. Rebbe compiled Mishnayos, and Rav Ashi organized the Talmud. If not for their wealth, the masses would not have been able to truly accept their contributions. This message is expressed in the words of Tehillim: 'טוב לי תורת פיך מאלפי זהב וכסף.' Although this literally means, 'The Torah mouth from your mouth is more precious to me than masses of gold and silver,' it can be read another way: People find the Torah good when it comes from one who possesses masses of gold and silver!"¹ ■

1. יגדיל תורה, חלק א', עמוד קכ"ז