

This month's Daf Digest is dedicated in memory of
Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev.
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) Prohibited produce that was planted (cont.)

The challenge to R' Yitzchok's distinction between Shemittah and other prohibitions is rejected.

R' Yannai's earlier (57b) ruling (that when a terumah onion is planted and the growth exceeds the root the entire onion is permitted) is challenged.

R' Abba defends R' Yannai's position.

The Gemara records an exchange whether this challenge can be successfully refuted and finally concludes with a successful defense of R' Abba.

2) Clarifying R' Yochanan's ruling

R' Yochanan's original ruling is cited.

When Rabbah repeated this teaching R' Chisda presented a challenge to it.

The exchange between Rabbah and R' Chisda about this matter is recorded.

Rabbah's assertion that when one exerts effort to nullify something by replanting it becomes nullified in a majority is challenged from a similar case involving ma'aser.

The Gemara answers that the case of ma'aser is an exception to the rule.

3) Clarifying R' Yannai's ruling

R' Yannai's earlier ruling is cited. ■

REVIEW and Remember

1. Is it permitted to eat what one receives in exchange for a prohibited item?
.....
2. Why is there a mitzvah for a person to have a konam annulled?
.....
3. When would a person tithe something that was already tithed?
.....
4. When is a terumah onion that was planted permitted?
.....

Distinctive INSIGHT

Which cases are in the category of דבר שיש לו מתירין?

אמר רבי אבא שאני קונמות הואיל ואי בעי מתשאל עליהו הווי להו דבר שיש לו מתירין ואין בטל ברוב

Our Gemara concludes by saying that teruma is not considered a דבר שיש לו מתירין—an item which has a release of its prohibited status. Although it is possible for the owner of the produce to ask and to reverse his having designated this portion as teruma, there is no mitzvah to do so. Therefore, we do not anticipate that the owner will reverse his actions.

We must understand, though, why did the Gemara earlier (58a) categorize ma'aser and הקדש as items whose status can be released? There, Tosafos (ד"ה ומעשר) and Rosh (ד"ה כל) explain that the reason for this is that these items can be redeemed, at which time their holiness will be released. Yet, our Gemara seems to suggest that the only time we consider the potential to reverse the status of an item to be a case of מתירין is when there is a mitzvah to do so, as we find concerning nedarim, but there is no mitzvah to redeem ma'aser or הקדש. Why, then, are these in the realm of דבר שיש להם מתירין?

שער המלך (האכלות אסורות ט"ו: י, to Rambam) explains that the mere ability to release the status of being prohibited in any case is enough to place a situation in the category of דבר שיש לו מתירין. Therefore, nedarim, teruma, ma'aser and הקדש all fit into this realm. However, in order to release a neder, a person must exert a major effort to convene three people and explain his reasons for reversing his neder. This creates a reluctance on the part of the one who made the neder, but, as our Gemara points out, there is a mitzvah to reverse a neder. Accordingly, the mitzvah helps to return the situation to one whereby we can anticipate that the neder will, in fact, be reversed. Items that can be reversed without much exertion and without gathering a Beis din, such as redeeming ma'aser and הקדש, are automatically in the category of being able to be released, even when no mitzvah is associated with the procedure. Teruma, which is not simply a case of redemption, but one of שאילה, is similar to neder in this regard, and this is why it is not a דבר שיש לו מתירין.

In his Commentary to the Mishnah, Rambam writes that without the mitzvah consideration, no case is recognized as a דבר שיש לו מתירין. We would again have to revisit our question of why our Gemara refers to ma'aser and הקדש as indeed being in this category, despite the lack of a mitzvah to redeem them. The explanation given is that we are speaking about ma'aser in

(Insight...Continued on page 2)

HALACHAH Highlight

Annuling a pledge to tzedaka

אמרי בתרומה ביד כהן עסקינן דלא מצי מיתשיל עלה

They said that the Mishnah addresses a case where the terumah has already reached the hands of the kohen so that he cannot ask for an annulment

Shulchan Aruch¹ ruled that one who pledges to give tzedaka may not withdraw his pledge unless he asks a Torah scholar for an annulment of that pledge. If, however, the money has already reached the possession of the tzedaka collector he may not even ask a Torah scholar for an annulment. Rav Yechezkel Landau², the Noda B'yehudah, wrote that he does not know a clear source for the halacha that once the money reaches the possession of the tzedaka collector the donor may not have his pledge annulled. The basis of Shulchan Aruch's ruling is a responsum of Rashba where he rules that one cannot retract a pledge once it reaches the hands of the collector because the hands of the collectors is as if it has reached the hands of the poor and once the recipient received the item the donor cannot retract his pledge. This ruling, explains Rashba, is similar to what our

Gemara declares that once teruma has reached the hands of a Kohen the Yisroel cannot go to a Torah scholar to undo his declaration that this produce is teruma.

Noda B'yehudah claimed that this proof of Rashba is not definitive because although Rosh in his first explanation also assumes that the Gemara is restricting the Yisroel from undoing the teruma declaration after it reaches the possession of the Kohen, nonetheless, he cites other authorities who explain that it is the Kohen who cannot have the declaration of teruma reversed, thus implying that the Yisroel is able to have the scholar reverse his declaration even after the produce reached the hands of the Kohen. Accordingly, one could say that even after the tzedaka money has reached the hands of the tzedaka collector the benefactor may rescind his pledge until the money actually reaches the hands of the poor. Furthermore, even if we accept Rosh's first explanation that it is the Yisroel who is not able to have his teruma declaration annulled after the teruma reaches the Kohen there is no proof for our case of tzedaka where the money has not yet reached the intended beneficiary of the pledge. ■

1. שו"ע יו"ד סי' רנ"ח סע' ו'

2. שו"ת נודע בישו"ת נודע ביהודה מהדו"ת יו"ד סי' קנ"ד ■

STORIES Off the Daf

A question of Challah

הרי תרומה דאי בעי מיתשיל עליה

In Israel, shmurah matzah is a big business. The baking starts over two months before Pesach and continues literally until erev chag. Since there is such a huge demand for these costly matzos they are produced in great volume.

Understandably, whether a proprietor takes challah or not is a very subjective decision. Sometimes this depends on the price of the matzos. At one point, virtually all bakeries did not take challah. It was up to the buyer to ensure that he took challah himself before Yom Tov.

One wealthy owner of a matzah had invested the money to build the enterprise, but his employee actually did all the hiring and management. When the wealthy owner visited his factory, he was

so inspired that he took a huge amount of challah as he recited a very inspired brochah.

When the manager of the bakery heard about this, he told the owner that since everyone who purchases matzos will likely take challah anyway, it seems as though there is a problem of bal tashchis here, as well as perhaps a problem with the numerous needless berachos the buyers will recite after purchasing the matzos. "In Nedarim 59 it says that one may annul a declaration of teruma. The same should hold true for challah. I think that you should go to a Rav and have the neder annulled," he suggested.

The owner was very uncomfortable with this. "What about the brochah I made? Won't that make it a brochah l'vatalah?"

They decided to consult with the famous Rav of Yerushalayim, Rav Tzvi Pesach Frank, zt"l.

He responded, "Your brochah will

not be rendered לבטלה either way. The Ritva in Chullin 106 writes that one who washed for bread and makes a brochah but then changed his mind and decided not to eat need not force himself to eat. The brochah was on his hands which were pure at a time when he wanted to eat. If he subsequently decided not to eat, this has no bearing on his earlier brochah. The same is true in your case. You took the challah in good faith. The fact that you changed your mind has no bearing on your earlier brochah!" ■

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Yerushalayim, which becomes mixed in a pile of regular grain. Since the entire amount can be eaten, it is a permitted entity. If it became mixed outside Yerushalayim, it would not be יש לו מתירין, due to the exertion necessary to bring it to Yerushalayim, especially due to the lack of their being a mitzvah to do so. Similarly, בדק הבית הקדש is dealing with which must be redeemed. ■