

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) Vowing "for a day" (cont.)

R' Ashi finishes his attempt to resolve the Gemara's inquiry about one who vows "for a day."

This proof is rejected and the matter remains unresolved.

2) Vowing for a yovel

The Gemara inquires whether a vow for a yovel includes the fiftieth year or not.

In order to resolve this inquiry the Gemara cites a dispute between R' Yehudah and Rabanan whether the fiftieth year is part of the old cycle or the new cycle.

The exchange between R' Yehudah and Rabanan is recorded.

3) Clarifying the dispute between R' Meir and R' Yosi

The Mishnah's implication that according to R' Meir a person does not use language that will put him into a circumstance of doubt and that according to R' Yosi a person would put himself into doubt is challenged.

R' Chanina bar Avdimi in the name of Rav suggests that the names in our Mishnah should be reversed to be consistent with the other Mishnah.

A Baraisa is cited that supports the corrected reading of the Mishnah.

4) MISHNAH: The Mishnah continues with different cases of time limitations that a person may put onto his vow and their implications.

5) "Gathering fruit in baskets"

A Baraisa defines the Mishnah's reference to when people "gather fruit in baskets" as referring specifically to gathering a basket of figs rather than grapes..

6) Fruit of the picking

A Baraisa presents a dispute regarding which fruits are the "fruit of the picking."

The dispute between the Tannaim about this matter is explained.

7) "Until the knives are folded"

A Baraisa teaches that, according to the Mishnah all that is required is for most of the people to have folded their knives. ■

Distinctive INSIGHT

Becoming involved in ambiguity

ורמיניה מי שיש לו שתי כיתי בנות וכו'

In the Mishnah (60a), a person prohibits wine upon himself "until before Pesach." Rebbe Meir rules that he is only prohibited to drink wine until Pesach begins. This is ostensibly because a person does not subject himself to ambiguity, and he never meant for his limitation to enter the holiday, as the intention of his words only clearly refer to until the holiday begins and no more. Rebbe Yose, however, rules that the vow extends until the end of the festival. He assumes that a person is committed to fulfill the intent of any ambiguous meanings of his words.

The Gemara notes a different case disputed by Rebbe Meir and Rebbe Yose. A man has two sets of daughters, one from each of his two wives. He declares that he has accepted kiddushin for "the older one." We do not know whether he is referring to the eldest of the older set, the older of the younger set, or perhaps he means the younger of the older set (as she is "older" than the older of the younger girls). Rebbe Yose rules that they are all permitted to the husband, except for the youngest of the younger set. The reason is that we assume that a person certainly did not intend his words to refer to anything ambiguous. This contradicts the approach of Rebbe Yose by the neder of "until before Pesach."

Sefer נדרי זריזין wonders what the comparison is between these cases, that the Gemara feels that the opinion of Rebbe Yose is inconsistent. When a person issues a neder, he intends to prohibit upon himself anything possibly indicated by his words, even ambiguous references. When declaring the kiddushin of his daughters, his intent was that the daughter should

(Continued on page 2)

REVIEW and Remember

1. What is the Gemara's conclusion regarding a vow made for "יום"?
2. What year does the second yovel cycle begin?
3. Explain לא מעייל איניש נפשיה לספיקא.
4. What is the dispute between Tanna Kamma and R' Shimon ben Gamliel?

HALACHAH Highlight

Should kohanim be granted preference to serve as sh'liach tzibbur?

כיון דהך סוגיא איתרמא בסוגיא דנדרים משמע דאיכא למסמך עילויה טפי וכו' [דברי הר"ן ריש ע"ב]

Since this discussion appears in the context of nedarim it is more reliable etc. [From the commentary of Ran on the top of amud beis]

Rav Shalom Yechezkel Shraga Halberstam¹, the Tzeshinover Rebbe, inquired whether there is an obligation to honor a mourner who is a Kohen and allow him to serve as the sh'liach tzibbur. For example, if there are many mourners ר"ל in a shul and all have them have an equal claim to serve as sh'liach tzibbur, should the Kohen have precedence over the others because of the obligation to honor Kohanim?

Rav Mordechai Yaakov Breisch², the Chelkas Yaakov, responded that this practice does not qualify as the mitzvah of honoring kohanim. The first explanation he suggests is based on the fact that it is accepted practice for mourners to serve as sh'liach tzibbur to honor their parents and elevate their souls. Therefore, when there are many mourners in a shul they all have the same claim to lead the services for their parent; consequently, the mitzvah of honoring Kohanim will not apply. The basis for this is a comment of Tosafos in Gittin³ who writes that there is no obligation to give priority to a kohen when it comes to dividing property that is jointly owned (שותפות).

This conclusion, however, is not so simple since there is a conflicting Tosafos in Moed Katan⁴ that writes the opposite, meaning the only time there is a mitzvah to honor Kohanim is when people are dividing jointly-owned property. Chelkas Yaakov suggests two reasons why Tosafos' comments in Moed Katan will not change his conclusion. The first reason is mentioned by Yam Shel Shlomo⁵ who writes that when there is a conflict between Tosafos in a large massechta and a Tosafos in a small massechta preference should be given to the comment found in the larger massechta since that is considered more authoritative. Secondly, Ran⁶ in our Gemara states that when a halacha is discussed in two places in the Gemara and there is a conflict between those two places preference should be given to the presentation made in the location where that halacha is the primary topic rather than the presentation made when that halacha is mentioned as part of a different discussion. Therefore, since the Gemara in Gittin is discussing the parameters of honoring kohanim and the Gemara in Moed Katan mentions it only as an aside, the version in Gittin is considered more authoritative. Therefore the other mourners do not have an obligation to honor a Kohen since the privilege to lead the services is jointly-owned by the members of the shul. ■

1. מובא דבריו בשו"ת חלקת יעקב אר"ח סי' כ"ה
2. שו"ת חלקת יעקב הנ"ל
3. תוס' גיטין נ"ט ד"ה וליטול מנה יפה ראשון
4. תוס' מו"ק כח ד"ה וליטול מנה יפה ראשון
5. ים של שלמה פ"ד דיבמות סי' ל"ד
6. ר"ן ס"א בראש העמוד ■

STORIES Off the Daf

The donated Sefer Torah

מי שיש לו שתי כיתי בנות

A certain ba'al habayis once presented a Torah scroll to a local shul without specifying whether this was a gift for all time or only a loan. Several years later, the man was moving from the town and wished to repossess the sefer as is customary. The question came up: since he had not specified that he could take the Torah back whenever he wished, perhaps the kehillah had acquired it? Even a doubt regarding this issue would likely prohibit him from taking what might be shul property.

For this reason, the gabaim of the shul refused to allow the previous owner to remove the sefer from its safe. The owner protested vehemently. They finally decided to consult with the Chelkas Ya'akov re-

garding this matter: did the gabaim have the right to withhold the sefer Torah or not?

The Chelkas Yaakov replied, "They have no right to prevent him from removing the sefer Torah. This emerges from the Gemara in Nedarim 61. We find there a machlokes regarding a man who has daughters from two wives who was mekadesh one daughter with language that was vague. The outcome of the discussion is that the most obvious choice of all the daughters to fit the criterion he stipulated is the mekudeshes since it is assumed that a person never places himself in a safek, in a questionable situation, willingly. The same is true in our instance. Surely the donor didn't want to lose out on his rights of ownership of the sefer Torah!

The Chelkas Yaakov continued, "Besides, the Magen Avraham and the Eliyahu Rabbah both state that the custom is that a sefer left in a shul remains the own-

er's property. In every community, on the first day of Sukkos, the custom is for many who don't have an esrog to take another's esrog and discharge their obligation. Even though the owner of the esrog doesn't say anything to transfer ownership of the esrog to each user, since the custom is to discharge their obligation in this manner, it is as if he made a declaration. The same holds true in this case; since the custom is to take the sefer Torah even without asking permission, it is as if he clearly stipulated that he can take it when he wishes!" ■

(Overview...Continued from page 1)

be married. If his intent would be inconclusive in any way, the girl would not be able to marry.

Rather, he understands that the question of the Gemara is in contrasting the words of Rebbe Meir who says that a person remains clear in his neder, but allows ambiguity in kiddushin. ■