



OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses who can declare an erech vow, be the subject of an erech vow, can declare a vow of someone's value and be the subject of someone else's vow to donate someone's value.

2) Clarifying the Mishnah

The Gemara clarifies what the term **הכל** includes in each of the four cases discussed in the Mishnah.

The meanings of additional appearances of the word **הכל** are presented.

Tangentially, the Gemara presents the disputes between R' Yehudah and Rabanan concerning the question of whether an heir leans or can effect temurah.

The exchange between them regarding their respective expositions is recorded.

The Gemara continues to explain the implications of numerous other times that the term **הכל** introduces a halacha.

Extra attention is given to the term **הכל** that introduces the Mishnah that discusses the Olas Re'iyah.

REVIEW and Remember

1. What is an erech vow?

2. What is the point of dispute between Tanna Kamma and R' Yehudah?

3. When should one begin to train a child to fulfill the mitzvah of lulav?

4. What is the source to exempt someone blind in one eye from the mitzvah of re'iyah?

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 The Feder and Rubinoff families
 in memory of their father
ר' לוי יצחק בן ר' אליעזר פעדער, ע"ה

Distinctive INSIGHT

Women and slaves who pledge to pay for a valuation

נשים ועבדים

The Torah teaches the halachos of valuations in Vayikra 27. If someone pledges to give the value of another Jewish person, he must pay a fixed amount of money to the Mikdash, an amount based upon the sex and age of the subject of his pledge. The Mishnah begins with a list of those who are included in the halachos of valuations. Most people may pledge a valuation, and they can be the ones about whom a pledge of valuation is made. Others may be the ones who pronounce a pledge, but may not be the subjects of another's pledge about them. Still, others can only be the subjects of another's pledge, but may not be obligated if they make a statement to pay a valuation of someone else.

Women and slaves are in the first category. They may pronounce a pledge, and a pledge may be made regarding them. Rashi explains that women and slaves generally do not own possessions, as the financial status of a wife is controlled by her husband, and a slave's master controls his monetary concerns. Therefore, although a woman or slave may commit themselves to pay for a valuation, they will not pay it until they have the ability to do so. A woman will only pay after she is divorced or widowed, and a slave will only pay after he obtains his freedom.

Tosafos writes that the obligation of a woman or slave may be paid immediately while the wife is still married or the slave is still enslaved, and the case could be where the woman or slave was given money on the condition that her husband or his master have no control over it. In these cases, the woman or slave can own money, and it is from these funds that they would pay for the pledge for the valuation. Rambam (Hilchos Arachin 1:5) explains the case according to Rashi's commentary, that the slave would pay after he is freed.

The Achronim explain that Rashi and Rambam hold that a slave would not pay for his pledge of valuation while still a slave even if he had money of his own. Rambam follows a consistent policy, as he explains in Hilchos Nezirus (2:18) that a vow or pledge of a slave for a valuation has no validity. Yet, our Mishnah rules that a slave's pledge is binding. We must explain that Rambam holds that the pledge is meaningless until the slave is freed, at which time the pledge must be honored. Accordingly, even if the slave had money, the vow or pledge does not have to be paid

HALACHAH Highlight

Purchasing a talis for a child to obligate him in tzitzis

אביו לוקח לו תפלין

His father purchases for him tefillin

Tosafos¹ takes note of the fact that when discussing the mitzvos of tzitzis and lulav the Baraisa did not rule that the father must purchase for his son tzitzis and a lulav but when it came to the mitzvah of tefillin the Baraisa obligates the father to purchase tefillin for his son. In his first approach Tosafos explains that the Baraisa does not have to mention purchasing a talis for his son since it is assumed that the child already has a talis (garment) and there is no need to purchase a lulav for his son since the son can fulfill his obligation with his father's lulav. In other words, since one is supposed to wear tefillin the entire day it is not possible for a father and son to share a pair of tefillin as opposed to lulav which need not be held the entire day². Alternatively, Tosafos writes that since tefillin are expensive the phrase לקיחה is appropriate but there is no actual difference in the obligation.

Elya Rabba³ explains that when Tosafos writes that it is assumed that a child has a talis and that is the reason the Baraisa does not mention that he should purchase a talis for his son the implication is that if the son does not have a talis his father is obligated to purchase one for him. This is

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while the slave is still enslaved, because the vow itself does not become binding until later.

Tosafos, however, holds that the vow is binding immediately, but it is not paid as long as the slave has no money. If he does obtain some independent funding, he would pay immediately.

Rambam also holds that a slave's oaths and vows are not binding (Hilchos Sh'vuos 12:6), as he has no legal control over his own affairs. ■

in contrast with Bach⁴ who writes that one is not obligated to purchase a talis for his son even if he does not have one. His reasoning is that there is never an obligation for one to purchase a four-cornered garment to generate an obligation to affix tzitzis to its corners. Interestingly, Tur⁵ writes that when a child knows how to wrap himself in his tzitzis his father is obligated to purchase tzitzis for him. Maharlbach⁶ takes notes of the fact that Tur obligates the father to purchase tzitzis but does not obligate him to purchase a talis. The reason is that he is discussing a child who already has a talis and as such when he is old enough his father is obligated to purchase tzitzis for him. ■

1. תוס' ד"ה אביו.
2. הגהות ר"ש טויבש.
3. אליה רבא סי' י"ז סק"ג.
4. בי"ח סוף סי' י"ז.
5. טור אר"ח סי' י"ז.
6. הגהות מהרלב"ח. ■

STORIES Off the Daf

A Stubborn Soldier

הכל חייבן בתפילין

On today's daf we find that all Jewish men are obligated to wear tefillin.

Life in the Israeli army is anything but easy. Very often people must go on missions at strange hours, and at times they are occupied for many hours at a time. A certain soldier was a bit disconcerted when he found that during the winter his day would begin before dawn and only end well after sunset. Of course the army gave him time to pray—but only in the hours before dawn.

This soldier asked Rav Sternbuch, shlit"a, what he should do about tefillin. The halachah is that tefillin may be worn at night min haTorah, so perhaps he could put them on before dawn and at least discharge his Torah obligation in this manner?

Rav Sternbuch offered a very incisive reply. "Although you can put them on at night—without a blessing—if there is really no choice, I doubt that this is really applicable to someone in your situation. After all, are you in some kind of prison camp which cannot allow you a few precious moments to also fulfill the mitzvah of tefillin with a blessing during the time that discharges your rabbinic obligation as well?"

"You need to be very stubborn

with your commanding officer and insist that before you eat lunch you absolutely must be given time to put on tefillin—even if it is only for one instant."

Many religious soldiers in his unit would only put on tefillin before dawn since this was the time the army had allocated for this. But this soldier followed Rav Sternbuch's psak to the letter, and pestered his superior until he was finally granted permission to put on tefillin for a short time during the day. Those who had not asked were refused this privilege since the army claimed it was not essential for them!¹

1. שו"ת תשובות והנהגות, ח"א, סי' מ"ט