



OVERVIEW of the Daf

1) Tumtum and androgynos (cont.)

The Gemara completes its unsuccessful challenge to Rava's explanation of why an exposition was necessary to teach that a tumtum and androgynos can be the subject of a vow of worth.

Rava's response to this challenge is unsuccessfully challenged.

2) Vows

The Gemara records three inquiries, one from Rabbah, one from Rava and one from R' Ashi related to the implication of particular vows and each of the inquiries is left unresolved.

3) MISHNAH: The Mishnah teaches that an infant less than a month old can be the subject of a vow for his worth but not for an erech vow.

4) Erech vow of an infant

A Beraisa presents a dispute between R' Meir and Chachamim whether one who vows to give the erech vow of an infant less than a month old generates an obligation.

The point of dispute between them is explained.

A statement of R' Gidal in the name of Rav is cited and it is explained that the statement is consistent with R' Meir's position.

The necessity to note that this teaching follows R' Meir's

(Continued on page 2)

REVIEW and Remember

1. What happens if one sanctified the leg of an animal as an olah?

2. What is the point of dispute between R' Meir and Chachamim?

3. What is the point of dispute between R' Meir and R' Yehudah?

4. How does Rava resolve the dispute between R' Meir and R' Yehudah?

Today's Daf Digest is dedicated
By The Schnell family
In memory of
ר' נפתלי הערץ בן ר' יצחק יוסף, ע"ה

Distinctive INSIGHT

A person does not wish his words to be meaningless

רבי מאיר אומר אין אדם מוציא דבריו לבטלה

The Torah's listing for valuations for a person (ערכין) only begins for a person older than thirty days old. The Mishnah teaches that a child who is less than thirty days old can be the subject of a pledge of an oath for his worth as a slave (נדר), but he cannot be the subject of a pledge of valuation.

In a Beraisa, we find the case where someone pronounced a pledge of valuation for a child under thirty days old. R' Meir rules that the speaker must pay for the child's worth as a slave, although this is not what he said. The reason for R' Meir's view is that we say that a person does not express words for naught. If we were to take his words literally, that he promised to pay the valuation of a baby who is under thirty days old, it would mean that he has made a statement with no legal meaning. We therefore assume that he really meant to pledge the child's worth as a slave.

Tosafos in Kesubos (70b) explains that even according to R' Meir we read into a person's words which are legally meaningless at face value, and we assume that he meant them to be significant, only if this adjustment is in regard to one word. For example, in our case we assume that when the person said he would pay "ערכו" of an infant he really meant "דמיו". However, we do not add entire statements to a person's meaningless words just to give them significance. We cannot assume that he meant a completely different idea that was not spoken at all.

The illustration in Kesubos is where a husband uttered an oath that he would not provide benefit to his wife. Although a husband is committed to provide support for his wife, the Mishnah there rules that this oath is valid, because the case is where the husband had previously arranged that the wife could keep any salary she earns in exchange for not receiving support from her husband. However, the Gemara does not say that the Mishnah is the view of R' Meir, and the husband's oath is valid because we assume that he does not wish for his statement to be meaningless, and together with the oath to not benefit his wife is included the intent that she keep her salary instead of the support he would have supplied. We see, notes Tosafos, that in this case the husband made no reference to the salary and support exchange for his wife, and this is why we cannot insert this extended unspoken interpretation into his words just to give his statement significance. It is only when it is a question of a single word that we are willing to interpret a person's words so that they not be meaningless. ■

HALACHAH Highlight

Accepting donations from gentiles for the construction of a Beis HaKnesses

”לא לכם ולנו לבנות בית לא-לקינו”

”It is not for you and us to build a house for our God”

Chasam Sofer¹ was asked to comment about the batei knesiyos in his country which belonged to the gentile head of the city who would in turn rent the premises to the members of the community. The question was whether our Gemara’s ruling that we do not accept donations from gentiles for the construction of the Beis HaMikdash or erech vows applies in this circumstance. Does this restriction apply when constructing a Beis HaKnesses that one should not accept donations from gentiles?

Rema² rules that it is permitted to accept donations from gentiles for the construction of a Beis HaKnesses; the only restriction is that money may not be collected from an apostate. Teshuvos Zichron Yehudah³ asserts that one may not accept a recognizable object from a gentile for the construction of the Beis HaMikdash. It is only nondescript items that one may accept, e.g. a beam or a brick. Orchos Chaim⁴ writes that although it is permitted to accept a donation of an object from a gentile for a Beis HaKnesses, nevertheless, it is prohibited to accept from him financial assistance towards the construction of a Beis HaKnesses. He bases this position on Rambam’s ruling that it is prohibited to accept financial assistance from a gentile towards the construction of the Beis HaMikdash and he asserts that the halacha of a Beis HaKnesses will run parallel to the halachos of the Beis HaMikdash.

Teshuvos Teshuras Shai⁵ agrees with the majority of authorities who permit accepting donations from gentiles for the con-

(Overview...continued from page 1)

struction of a Beis HaKnesses but he writes that it is preferable to avoid accepting these donations. He is concerned that if one were to accept donations from gentiles for a Beis HaKnesses some time later those donors will ask for a reciprocal donation for the construction of their house of worship which we may not do. Therefore, it is better to avoid creating the possibility of animosity for not reciprocating. ■

opinion is explained. The new dimension that Rav adds to our understanding of R’ Meir is explained.

Another statement is cited and is also explained as consistent with R’ Meir.

It is noted that the author of this statement already issued a similar statement.

The necessity for the two statements is explained.

R’ Ashi qualifies Rav’s teaching.

5) **MISHNAH:** R’ Meir and R’ Yehudah disagree about a non-Jew’s participation in erech vows but all agree that he could make a vow of worth and be the subject of a vow of worth.

6) Gentiles

A Beraisa presents R’ Meir and R’ Yehudah’s opinions and records the exchange between them.

Rava comments on the relative strength and weakness of each of their opinions.

The Gemara explains how R’ Yehudah explains the phrase לא לכם ולנו. ■

struction of a Beis HaKnesses but he writes that it is preferable to avoid accepting these donations. He is concerned that if one were to accept donations from gentiles for a Beis HaKnesses some time later those donors will ask for a reciprocal donation for the construction of their house of worship which we may not do. Therefore, it is better to avoid creating the possibility of animosity for not reciprocating. ■

1. שו"ת חת"ס יו"ד סי' רכ"ה.
2. רמ"א יו"ד סי' רנ"ד סעי' ב'.
3. שו"ת זכרון יהודה (גרינוולד) סי' נ"ו.
4. אורחות חיים (ספינקא) סי' קנ"ד אות י"ד.
5. שו"ת תשורת שי ח"א סי' ט"ו. ■

STORIES Off the Daf

Keeping Your Word

אדם מוציא דבריו לבטלה

On today's daf we find that people sometimes say things to no effect. Our Gemara means that when it comes to vows, one who says something does not mean that it should not take effect. Although this is a rule that applies to nedarim, in general it is only proper for one to fulfill what he says he will do.

Rav Shlomo Zalman Auerbach, zt"l,

was a person who always fulfilled every detail of what he said he would—even to a little child. Once Rav Shlomo Zalman was walking home with his youngest son. Rav Boruch Auerbach, zt"l. As they passed a little kiosk, Rav Shlomo Zalman asked his son to go in and buy a bar of chocolate. When he came out Rav Shlomo Zalman looked at the chocolate and asked his son to return it and buy a better quality bar. Rav Boruch did as he was told but after the two continued on their way he asked his father why he required specifically a better bar of chocolate. After all, he often gave chil-

dren the exact chocolate that Rav Boruch had originally purchased.

Rav Shlomo Zalman explained. "There is a certain child in the neighborhood whose learning is rather weak. His father came to me and requested that I put my eyes on him and encourage him to learn better. When I spoke to the child, I assured the child that I would buy him some good chocolate. I therefore must insure that the chocolate I buy him is truly high quality chocolate, just as I said!" ■

1. חכו ממותקים, ח"א, ע"י מ"ח ■

