

OVERVIEW of the Daf

1) Gentiles (cont.)

Two contradictory Baraisos are cited whether we accept donations from non-Jews for Beis HaMikdash upkeep.

R' Illa in the name of R' Yochanan resolves the contradiction.

An example of a distinct object is presented.

R' Yosef unsuccessfully challenges the contention that in the beginning of the construction donations are not accepted from non-Jews.

R' Yehudah in the name of Rav rules that if a non-Jew separated terumah like a Jew it should be given to a kohen.

This ruling is unsuccessfully challenged.

2) Tzedaka

R' Nachman in the name of Rabbah bar Avuha rules that one who declares that he will give "this" sela to tzedaka may use that coin and give a different sela to tzedaka.

R' Ami in the name of R' Yochanan clarifies that he may use the sela for himself or lend it to others.

R' Zeira asserts that the above ruling applies when he declared that the obligation is incumbent upon him but if he declared that he would give "this" sela he must give that coin to tzedaka.

Rava rejects this position and a Baraisa is cited in support of Rava's position.

Another version of R' Nachman's statement is presented.

A related Baraisa is cited.

The ruling of the Baraisa is unsuccessfully challenged.

Another Baraisa is cited and analyzed by R' Chiya bar Abba and R' Ami.

Three versions of a related incident are presented.

3) **MISHNAH:** The Mishnah presents differing opinions whether one who is a gosses or being taken out to be executed can be the subject of a worth vow or erech vow.

4) Clarifying the Mishnah

The Gemara questions why, according to Tanna Kamma, someone going out to be executed can not be the subject of an erech vow.

A Baraisa is cited that contains an exposition that serves as the source for his position.

The Gemara cites a Baraisa to explain how R' Chanina ben Akavya explains the phrase כל חרם utilized by Tanna Kamma.

The Gemara clarifies what issues are debated by Tanna Kamma and R' Yosi.

R' Yosef and Rabbah offer different explanations of the point of dispute between Tanna Kamma and R' Yosi.

The Gemara begins another version of this debate that revolves around a Baraisa rather than our Mishnah. ■

Distinctive INSIGHT

Using an item donated for a mitzvah for non-mitzvah purposes
תנו רבנן ישראל שהתנדב מנורה או נר לבית הכנסת אסור לשנותה וכו'
הכי אמר ר' יוחנן לא שנו אלא לדבר הרשות וכו'

The Baraisa teaches the halacha that if a Jew donates an item such as a lamp or candle to a shul, that item should not be used for any purpose other than that for which it was designated. R' Chiya b. Abba explains that the item may not be reappropriated to any other cause, whether for a non-mitzvah communal purpose, or even for a different mitzvah objective. R' Ami disagrees, and he says that while the lamp or candle may not be taken and used for a non-mitzvah purpose, it may be redirected and used for a different mitzvah purpose.

R' Ami proves his view from an analysis of a statement of R' Yochanan who ruled that an item donated by a non-Jew may not be re-appropriated for any purpose, because the non-Jew could complain if he learned that his donation was not used as he had intended. This statement is clearly referring to using the donation for a mitzvah purpose other than that designated by the non-Jew, because if the item is being used for a non-mitzvah purpose it would be prohibited whether the donation was made by a non-Jew or a Jew. We can conclude from this, says R' Ami, that a donation made by a non-Jew can not be redesignated from one mitzvah purpose to another, but a donation of a Jew, who generally does not mind if his donation is used for one mitzvah purpose or another, may be redirected for a mitzvah purpose other than the one for which the Jew originally donated it.

A non-Jew's mitzvah donation may not be used for a differ-

Continued on page 2)

REVIEW and Remember

1. What is the status of grain separated by a gentile for terumah?
2. Is it permitted to use money pledged for tzedaka?
3. What may be done with an object donated to a Beis HaKnesses?
4. What is the point of dispute between Tanna Kamma and R' Yosi?

Today's Daf Digest is dedicated
By the Kaufman and Wolper families
In loving memory of their grandmother
מרת שרה בת ר' ברוך ניסן ע"ה

Today's Daf Digest is dedicated
In honor of our top Maggid Shiur Rabbi Avraham Bartfeld shlita
And לעילוי נשמת חיים זאב בן שלמה
by his children Mr. and Mrs. Leonard Goldberg, Toronto Canada

HALACHAH Highlight

Is one responsible for money pledged to tzedaka?

סלע זו לצדקה

This sela is pledged to tzedaka

Rambam¹ writes that a pledge to donate tzedaka is the same as any other vow, therefore, if someone declares, "It is incumbent upon me to give a sela to tzedaka," or if someone declares, "This sela is for tzedaka" he is obligated to give that money to the poor immediately. In the event that he delays fulfilling his pledge he violates the Biblical prohibition against delaying the fulfillment of a pledge. Authorities debate whether one who pledges to give tzedaka is liable for that money similar to one who vows to offer a korban. Shitah Mekubetzes² cites authorities who draw a distinction in the language of the pledge whether he is liable or not, similar to the distinction drawn regarding korbanos. In other words, if someone declares, "This sela is for tzedaka" and the money is stolen or lost he is not responsible to replace it since he did not accept personal responsibility for this pledge. On the other hand, if he declared, "It is incumbent upon me to give a sela to tzedaka" he is responsible to replace that money if it is lost or stolen since he accepted personal responsibility for that pledge.

Chavos Daas³ disagrees and contends that tzedaka is not the same as hekdesh and even when someone declares, "This sela will be given to tzedaka" and the money is lost or stolen he is responsible to replace that money. He cites proof to his position from our Gemara. The Gemara teaches that one who declares, "This sela is for tzedaka" is responsible for the money since he is authorized to use it for personal use. The rationale to distinguish between hekdesh and tzedaka is that when one declares something as sacred for hekdesh it immediately becomes sacred property and

(Insight...continued from page 1)

ent purpose until "his name is forgotten from the item." Once people have forgotten that a particular non-Jew was the one to donate the item, it may be used for a different mitzvah purpose.

Tosafos holds that an item donated for a mitzvah may not be used for a non-mitzvah purpose, even after the owner's name has been forgotten, and the item is no longer associated with its giver.

Rambam (Hilchos Matnos Aniyim 8:6), Ri"ף and Rosh write that once the name of the donor of an item has been forgotten, if it is for communal benefit, an object donated even for a mitzvah may be used for non-mitzvah purposes. Shach (Y.D. 259:13) explains that once the donor's name is no longer associated with an object it may be used even for a non-mitzvah purpose, whether it was donated by a Jew or a non-Jew. The Gr"א (ibid., #12) cites a Tosefta to support this view. The Tosefta mentions that once the object's donor has been forgotten, the halacha allows using the item to be used for non-mitzvah purposes, and it does not distinguish between an item donated by a Jew or non-Jew. The only difference between an item donated by a Jew or non-Jew is that a non-Jew will complain if the item is used for a mitzvah purpose other than that which he requested, but a Jew will not. After the donor has been forgotten, the object's use may be redirected. ■

his vow was fulfilled. When one pledges for tzedaka, on the other hand, the money does not belong to the poor person until it reaches his possession. Accordingly, as long as the money has not yet reached the possession of the poor the donor remains responsible for that money to assure that his pledge is fulfilled. ■

1. רמב"ם פי"ח מהל' מתנות עניים ה"א.
2. שיטה מקובצת ב"ק ל"ו: ד"ה עוד כתב.
3. חוות דעת סי' ק"ס סק"י. ■

STORIES Off the Daf

Uprooting Mountains

אי אמר מלכותא עקרנא טורי עקר טורי

The potential spiritual growth of a man about to be married who wants to be uplifted is certainly significant. When he marries, all of his sins are forgiven. The Chasam Sofer, zt"l, writes that a groom is compared to the tzaddik of the generation throughout the entire week of sheva berachos. Who can tell to what heights he can reach if he puts in the spiritual work necessary during these special days?

The Lev Simcha, zt"l, gives us an idea of what the spiritual potential of a chosson

is like. "Our sages say that a groom is compared to a king. In Sukkah 52 our sages say that the tzaddikim see their yetzer hara as a mountain. And in Arachin 6 we find that a king has the power to uproot mountains. If a chosson works hard enough on this, he can literally uproot his yetzer hara!"¹

Reb Moshe was one of the wealthiest and most prominent Jews of Slutsk. He donated vast sums to tzedakah and was famous for all the chessed he did. Unfortunately, Reb Moshe had one significant spiritual flaw: it was clear from how he did things that he considered himself a very important person. He felt that he was a cut above the rest of the town and it showed in everything he did.

When Reb Moshe met the Mittler Rebbe of Chabad, zt"l, this changed drastically. To the surprise of those who knew Reb Moshe, after their extended audience together there was a huge improvement in his haughty attitude.

The Tzemach Tzedek, zt"l, commented on this change. "In Arachin 6 we find that if a king says that he will uproot a mountain, he will do so. Our sages say in the Midrash that tzaddikim are comparable to the Creator, the King.² In this context we can understand what happened to Reb Moshe. The rebbe spoke to him and uprooted his mountain of arrogance!"³ ■

1. לב שמחה, מיל דאבות.
2. בראשית רבה, ס"ז ז'.
3. אוצר פתגמי חב"ד, ח"ב, ע' 293. ■