

OVERVIEW of the Daf

1) Undertaking responsibility for a vow (cont.)

The Gemara struggles to explain the last ruling of the Beraisa.

A second version of part of this conversation is recorded.

2) **MISHNAH:** The Mishnah discusses when the Beis HaMikdash takes security in order to assure compliance with a pledge or obligation and then notes circumstances in which a person can be forced to consent to something against his will.

3) Taking security

R' Pappa notes that there are times when security is taken for a Chatas and times when it is not taken for an Olah.

The Gemara has to search for the case of the Olah for which a security is not taken.

4) Consent

A Beraisa elaborates on the Mishnah's ruling related to forcing one to consent to offer a korban.

Shmuel rules that awareness is necessary for the offering of an Olah.

The necessity for this ruling is explained.

Shmuel's position is unsuccessfully challenged.

It is noted that Ulla disagrees with Shmuel.

Shmuel and Ulla's respective opinions are unsuccessfully challenged.

R' Pappa summarizes the different sources cited above and explains how Shmuel and Ulla will explain each of the Beraisos.

The necessity for R' Pappa's teaching is explained.

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REVIEW and Remember

1. For what financial obligations does the Beis HaMikdash take security?
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2. What can be done to encourage someone to bring a korban he is obligated to bring?
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3. What is the point of dispute between Shmuel and Ulla?
.....
4. When is it necessary to publicize the sale of property?
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Today's Daf Digest is dedicated
In Memory of Jay Weinberg

Distinctive INSIGHT

Thirty days for the public auction of land

שום היתומים שלושים יום

The Mishnah at the beginning of the perek teaches that when land which orphans inherited from their father has to be sold to pay for their father's debts, the land is first evaluated by the court, and then offered for bids for thirty days to try to attract the highest price available. Similarly, when property owned by the Mikdash is sold for redemption, it is offered for bids for sixty days in order to attract the highest possible price.

The Rishonim discuss whether the rule to offer land for the highest bids before allowing the creditors to collect it is only applied when the land is being taken from orphans, or if we use this system for any debtor who is being forced to forfeit his land for collection. Do we delay the collection process for thirty days in order to increase the price which can be generated for this property for any collection, or do we implement this system only for the benefit of orphans who are considered especially vulnerable and unable to fend for themselves?

Tosafos (here) and Rashi (Bava Metzia 35b) hold that the thirty-day notice period applies to public auction of land for all cases of collection. Tosafos notes that the Gemara in Bava Metzia discusses "the days of announcing" in a general reference to collections, and not only for orphans. Tosafos admits that our Mishnah only presents this halacha in regard to orphans, but he explains that the point of the Mishnah is that even orphans are allotted only a thirty-day delay for this auction, just as in all other cases of collections, and we do not provide them with the sixty-day opportunity that the Mikdash enjoys.

Rambam (Hilchos Malveh u'Loveh 22:6) writes that the thirty-day auction of land is only provided when orphans are forced to forfeit the land inherited from their father. All other collections are administered by a panel of three experts who evaluate the field, followed by "an appropriate number of days to attract what may be a higher price." Maggid Mishnah explains that the source for the view of Rambam is our Mishnah, where the law of a thirty-day auction is only said specifically in regard to orphans. Sefer Ma'aseh Choshev and Hafla'ah on Arachin note that the Yerushalmi in Kesubos (116) presents this halacha according to Rambam's understanding, as it writes, "Why are thirty days given for an auction of the land? It is in order to improve the position of the orphans." This implies that all other collections are given less than thirty days for public auction of the land.

Sefer Nezer HaKodesh explains that the Yerushalmi can be understood according to the view of Tosafos, as well. Auctions of thirty days are afforded for all collections. Any debtor may dispense with this process if he so wishes, and he may sell the land for a lower price. Orphans, however, must be protected, just as we protect the Mikdash, and their land will always be afforded this opportunity. ■

HALACHAH Highlight

The sanctity of a Beis HaKnesses on leased property

הקדשו הדר בו היכי מצי מקדיש ליה

The tenant sanctified it? How can he sanctify it?

Shulchan Aruch¹ rules that a rented property that is used for a Beis HaKnesses does not have the sanctity of a Beis HaKnesses. The reason, explains Levush², is that although for the duration of the lease the property will be used for a Beis HaKnesses it is still considered only temporary since today or tomorrow the owner will take back the property. Only when a building was constructed in the first place to be a Beis HaKnesses or if it was purchased to be used as a Beis HaKnesses does it attain the sanctity of a Beis HaKnesses. Teshuvos Ravaz³ suggests that Shulchan Aruch is basing his ruling on our Gemara which states that a tenant cannot sanctify the rented property since it is not his. The rationale, suggests Teshuvos Ravaz, is that we do not find precedent that property could become sanctified for a limited period of time and then have the sanctity dissipate into nothing upon the end of the lease. As such one could assert that just as a tenant cannot sanctify the property that he is renting to the Beis HaMikdash, so too, he cannot sanctify rental property as a Beis HaKnesses for a limited period of time and then have that sanctity dissipate upon the end of the lease.

Beitur Halacha⁴ cites earlier authorities who maintain that Shulchan Aruch's ruling is limited to the circumstances of Mahari ben Chaviv whose words are the source for Shulchan Aruch's ruling. In the time of Mahari ben Chaviv the govern-

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5) Gittin

R' Sheishes rules that when one gives notice that he is being forced to divorce his wife, his notice is a notice.

The necessity for this ruling is explained.

הדרן עלך האומר משקלי

6) **MISHNAH:** The Mishnah discusses the duration of an appraisal for different auctions run by the Beis HaMikdash and when the announcements are made.

7) Announcements

R' Yehudah in the name of Rav explains why announcements are made in the morning and evening.

A Beraisa is cited that supports this explanation.

The rationale behind one of the rulings of the Beraisa is explained. ■

ment did not allow property to be rented out to serve as a Beis HaKnesses. For that reason the rental of a property for a Beis HaKnesses was by nature very temporary since at any time the owner could contact the renters and inform them that they had to leave the premises. As such a property rented to be a Beis HaKnesses did not attain the sanctity of a Beis HaKnesses. In our times when it is acceptable for property to be used as a Beis HaKnesses and the owner cannot terminate the lease early a Beis HaKnesses that rents space does attain the sanctity of a Beis HaKnesses with all the halachos that go together with that. ■

1. שו"ע או"ח סי' קנ"ד סעי' ב'.

2. לבוש שם.

3. שו"ת רבי"ז ח"א סי' י"ח.

4. ביאור הלכה לשו"ע הנ"ל ד"ה השוכרים. ■

STORIES Off the Daf

"I Want!"

כופין אותו עד שאימר רוצה אני

Rav Yissachar Dov of Valberg offered practical advice based on a statement on today's daf. "In Arachin 21 we find that a person who is obligated to bring a sacrifice but does not wish to do so is beaten until he says that he is willing to bring his offering. From here we learn the value of speech, for it overrides all of one's prior thoughts and intentions. We can also learn this from the declaration of intent made before one leaves the world, in which he nullifies all

of his negative thoughts and words.

"In our generation, people are very weak and our ability to powerfully focus our minds has flagged. This is especially true of the more simple folk who work in business, whose thoughts are often filled with the mundane matters of commerce and the like. What are we to do when we learn and daven to ensure that our Torah and tefillah ascend on high? The answer is that we should say, 'I hereby nullify any mundane or illicit thoughts that may flit through my mind.' In this manner such thoughts are neutralized.

"This is why we say 'לשם יחוד קודשא' before fulfilling each mitzvah. In this manner we nullify all

negative thoughts and it is considered as if we had done the mitzvah as is fitting."¹

The Avodas Yisrael, zt"l, learns a different lesson from this statement. "It is well known that every single Jew—even the lowest of the low—has a spark of holiness hidden in his heart. If we were to investigate this spark we would find that every Jew has deep faith in Torah and mitzvos and wishes to fulfill them completely. One who does not act this way is simply in the thrall of his evil inclination. This is why we force him until he says he wants, as the Rambam explains in Mishnah Torah."² ■

1. אמרי נועם, דף ד'

2. עבודת ישראל, פרשת ראה, משנה תורה,

פ"ב מהל' גירושין ■