

OVERVIEW of the Daf

1) Clarifying the Mishnah

The sources that indicate that we leave a person with his bare necessities but not bare necessities for his wife and children are found.

The rationale behind Rabanan who disagree with R' Eliezer is explained.

The ruling related to the number of utensils a person may retain is explained.

In a related incident R' Yeimar ruled that included in the sale of one's possessions is his tefillin.

The novelty of this ruling is explained.

2) MISHNAH: The Mishnah begins with a continuation of the discussion of the items excluded from confiscation by the Beis HaMikdash and concludes with halachos related to the assessment of the property of one who takes an erech vow.

3) The Mishnah's sources

A Beraisa provides sources for the Mishnah's latter rulings.

הדרן עלך שום היתומים

4) MISHNAH: Halachos related to the ancestral field are presented.

5) Consecrating an ancestral field close to Yovel

The Mishnah's ruling that an ancestral field is not consecrated two years before the Yovel is challenged from a Beraisa.

Rav and Shmuel resolve this challenge.

6) Sanctifying an ancestral field during Yovel

Rav and Shmuel disagree about the consequence of sanctifying an ancestral field during Yovel.

The basis of Shmuel's position is identified as well as Rav's response to Shmuel's source.

The basis of Rav's position is identified as well as Shmuel's response to Rav's source.

Shmuel's opinion is unsuccessfully challenged.

Rav's opinion is challenged.

An unsuccessful attempt to resolve this matter is suggested and another answer to this challenge is presented.

Shmuel's response to Rav's opinion is recorded.

Rav's opinion is challenged.

The Gemara begins to formulate a response for Rav's opinion. ■

Distinctive INSIGHT

Redemption of one's ancestral land

אין מקדישין לפני היובל פחות משתי שנים

The pesukim in Vayikra (27:16-18) teach the halachos of one who consecrates his ancestral field. The Torah tells us that the field is to be redeemed at a fixed rate of fifty shekel of silver for every chomer-area, which is an area in which a se'ah of barley can be planted. This is an area of fifty by fifty amos.

The full amount is paid if one consecrates his land immediately after the Yovel year. If he pledges his land to the Mikdash several years into the Yovel cycle, he subtracts from the fifty shekel a pro-rated amount for each year which has passed of the forty-nine years into the cycle. When we divide fifty shekel among the 49 years, we note that for each year there is one shekel, and the fiftieth shekel is divided by 49 parts. A shekel has 48 pundyon. We rule that a shekel and a pundyon is paid for each year, which technically adds up to fifty shekel plus one pundyon. The Gemara in Bechoros (50a) notes that this calculation results in an extra sum of a pundyon in this figure. Why is this done?

Rambam and Bertinoro explain that the money changer takes this extra pundyon as his fee when he calculates and exchanges this sum. Therefore, it is necessary for it to be added so that the Mikdash does not lose.

Tosafos (ibid.) asks whether this extra pundyon is added if one consecrates a field at the beginning of the Yovel. Here, there is no calculation needed, and no change need be given. Can the owner pay the fifty shekel precisely, or must a pundyon be added?

Shitta Mikubetzes (25a) cites Tosafos HaRosh who says that the redemption immediately after Yovel must include this extra pundyon. Rabeinu Gershom notes that this pundyon is not mentioned in the Mishnah because it is only a small additional amount. Toras Kohanim (Bechukosai 4) also writes that the redemption must include this extra amount.

This system of using a fixed scale of redemption for an ancestral land is only valid until the last two years before Yovel. A minimum of two years must remain to use this calculation. If one consecrates his land within the final two-year period, the land can only be redeemed at its full value, which is much more expensive than using the pro-rated scale. Although the Mishnah states that one may not consecrate his field within this two-year period, Rav and Shmuel explain that the Mishnah intends to say that it is not recommended to do so, due to the added expense. But, the consecration would be valid if it was done. Tosafos says that the reason the Mishnah states this halacha in stark terms as a warning is that an owner of a field may not notice that the cost of redeeming a field increases in those final two years. Suddenly, with three years remaining he would pay only three shekel and three pundyonim, and the next year the redemption sky-rockets to a full fifty shekel. This is why a warning is warranted. ■

Today's Daf Digest is dedicated by the family of
 Mrs. Esther Wolper

מרת אסתר בת ר' ישע'י משולם זיסל ע"ה

HALACHA Highlight

A man's ownership of his wife's clothing

אין לו בכסות אשתו

He does not have rights in the clothing of the vower's wife

The Mishnah teaches that when one sanctifies his property or makes an erech vow his creditors may not confiscate the vower's wife's clothing or his children's clothing. Rashi¹ explains that it is considered their property and thus when he sanctified his possessions he did not have the authority to sanctify their clothing and when he declared an erech vow the Beis HaMikdash does not have the authority to confiscate property that is not his. Hagahos Ashri² writes that Maharach Ohr Zarua derives from here that a husband does not have the authority to sell garments that he purchased for his wife. Even if he has no means of support he may not sell the garments he purchased for his wife.

Rashba³ was asked about a man who borrowed money and assured the lender that if he defaults on the loan he will be able to repossess his wife's clothing. The borrower lost all the money gambling so the lender came and took possession of the borrower's wife's clothing. The borrower's wife wanted to know whether she could take her clothing back from the lender since they were taken away from her without her consent. Rashba's response was that it was an erroneous assumption to think that the husband is not authorized to put up his wife's clothing as security for a loan without her knowledge. Perhaps

REVIEW and Remember

1. Are tefillin included in a sale of all of one's possessions ?

2. What is the point of dispute between Rav and Shmuel ?

3. What is the point of dispute between Rabanan and Rabbi ?

4. What is R' Yehudah's unique position regarding the Yovel year ?

when the Mishnah rules that when a man makes an erech vow the Beis HaMikdash cannot take his wife's clothing it is based on the explanation of the Gemara in Bava Kamma (102b) that one who sanctifies his property does not have in mind his wife's and children's possessions but if he specifically includes them why shouldn't they become sanctified or encumbered towards his loan? Beis Shmuel⁴ asserts that Rashba's ruling is limited to the clothing that a man purchases for his wife on his own volition. Clothing that he purchased for his wife due to a commitment that he made to his father-in-law may not be pledged as security for a loan or confiscated for an erech pledge. ■

¹ רש"י ד"ה אין לו.
² הגהות אשר"י ב"ק פ"ט ס"י י"ח.
³ שו"ת הרשב"א ח"ב ס"י רפ"ו.
⁴ בית שמואל ס"י צ' ס"ק נ"ב. ■

STORIES off the Daf

Happily ever after

”אחד המקדיש נכסיו...”

One poor kallah was happily engaged. Her father managed to scrape together enough money to purchase a large consignment of clothing for her dowry, including clothes for the wedding itself for the bride and her mother. Shortly afterwards, her mother became very ill. The girl was beside herself with worry. After a great deal of thought she decided to make a vow that all of the fine clothes for the dowry—including the dress purchased for the wedding for her mother—would be given to charity if her mother recovered. Shortly afterwards, her

mother felt better and she gladly fulfilled her vow. But when her father heard about this, he objected. "How will I get more money together to pay for those items all over again?"

When they asked a rav about this, he ruled that it was no simple matter. As we find on today's daf, a creditor may not collect from the clothes of his debtor's wife and children. When she had made the vow he was merely obligated to give her what he had promised, which makes her no better than any creditor. In Evven Ha'ezer we find two opinions regarding a dowry. According to the opinion that the father first acquires the items and then transfers them to his daughter, she cannot transfer them, since they were not purchased for this purpose. But according to the opinion that a father who purchases a dowry for his daughter acquires them for her and is considered her messenger, it seems

clear that she can sanctify the dowry.

When this question reached the Maharsham, zt"l, he was lenient. "The Divrei Rivos, zt"l, rules in the case of a girl who marries a person of whom her father does not approve. Even if the father originally betrothed her to the man in question, if he later changed his mind, she does not take halachic possession of the fine clothes that he purchased for her wedding since he did not buy them for her to use if she marries against his will, and since he rules that one who purchases a dowry acquires the items for himself first. Although this is somewhat unclear, the Shach rules that when discussing monetary questions of the poor, we are lenient. This is especially true here, since everyone understands that he only gave the dowry to her to use it to marry!" ■

¹ שו"ת מהרש"ם, ח"א, ס' ק"ד. ■