

OVERVIEW of the Daf

1) Collection boxes (cont.)

The Gemara explains why each of the Amoraim disagree with one another regarding the reason for the six donation boxes of the Beis HaMikdash.

Shmuel and R' Oshaya offer additional reasons why there were six donation boxes.

The reason Shmuel and R' Oshaya reject one another's explanation is discussed.

Rabbah offers an alternative explanation of the previously-cited Baraisa.

It is noted that R' Yochanan and R' Elazar disagree with regards to the leftovers from the 1/10 ephah of the kohen gadol.

The view that the 1/10 ephah of the kohen gadol is left to rot is unsuccessfully challenged.

R' Nachman bar Yitzchok cites a Baraisa in support of the position that the 1/10 ephah of the kohen gadol is left to rot.

2) MISHNAH: The Mishnah discusses how an animal designated for a particular offering that becomes blemished could be replaced with a different number of offerings or with a different animal.

3) Clarifying the Mishnah

A contradiction between our Mishnah and another Mishnah is noted as to whether one may replace a single animal with two animals.

The contradiction is resolved.

The rationale behind Rabbi's position is explained and it is noted that he disagrees with the earlier rulings as well.

4) Replacing a korban

The Gemara inquires whether an animal designated as a korban could be replaced with another type of animal.

The Gemara proves from a Baraisa that the blemished animal could be replaced with a different type of animal.

This conclusion is challenged and the Gemara decides that there are two versions of Rabanan's position.

A contradiction between two rulings of Rabbi is noted and the Gemara decides that there are two versions of Rabbi's position

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Distinctive INSIGHT

A promise to consecrate one of his animals

אלמא מקדיש בעין יפה מקדיש

The Mishnah taught that if a person announces that one of his sheep or one of his oxen is consecrated, and he did not specify which one, if he owns two, the halacha is that the larger of the two is the one which is now holy. The Gemara explains that the reason we say the person intended to give the larger, more valuable animal is that we determine that when a person consecrates something, he does so with a generous mind set.

Radva"z (to Hilchos Ma'aseh HaKorbanos 16:4) contrasts the halacha in our Mishnah to the ruling of Rambam, that if a person makes a general statement that he will donate "an ox" or "a ram" to the Mikdash, the rule is that he should not bring a weak or scrawny animal to fulfill his vow. On the other hand, he also does not have to bring the fattest or largest animal he owns. Rather, he should bring an average animal for his vow. Why, asks Radva"z, do we not apply the rule that a person consecrates with a generous mind set, and we should assume that he should bring the best.

Radva"z points out that there is a difference between a general statement where he said, "I will bring an animal," as opposed to where he made a more specific statement, saying, "I will bring one of my animals." In the former statement, there is no indication that the person meant to bring the best that he owns. He simply committed himself to bring something, and that is why we expect him to bring something decent. In the second declaration, the person used a more specific reference. Here, we detect his intention is to bring a more impressive and special animal. Therefore, he must bring from the best that he owns.

In Hilchos Issurei Mizbe'ach (7:11), Rambam says that if a person wishes to exercise control over his natural tendencies, he should act generously and always donate from the best that he owns. He adds that this is a fulfillment of the verse (Vayikra 3:16), "All the best is for God." The commentators note that this seems to be inconsistent with Rambam's ruling cited above, where a person's donation to the Mikdash is understood to be from a person's average possessions, and not from the best.

They explain that there is no obligation to fulfill one's vow to the Mikdash from one's best, but only that it not be from the worst of one's animals or possessions. However, Rambam writes that it is recommended to bring of the best, and this would be an exercise in discipline to overcome one's tendency to keep and hoard things for one's self.

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REVIEW and Remember

1. Why do Shmuel and R' Oshaya reject one another's explanation?
2. What is the point of dispute between Tanna Kamma and Rabbi?
3. What qualification does R' Menashya bar Zevid in the name of Rav add to our Mishnah?
4. Explain מקדיש בעין יפה מקדיש.

Today's Daf Digest is dedicated
By Rabbi and Mrs. Sam Biber
In memory of their parents
ר' יהודה בן ר' שמואל איסר הכהן, ע"ה
ומרת שרה פעסל בת הרב אליהו חיים, ע"ה

HALACHAH Highlight

One large or two small – which is preferable?

גדול והביא קטן

If he pledged to offer a large animal and he offered instead a small animal

Teshuvos Doveiv Meisharim¹ relates that his uncle recounted the following incident. He once visited the author of Teshuvos Kochav M'Yaakov and while he was there the gabbaim posed to him the following question. They were looking to purchase crowns for the Torah and they had a choice between one large crown or two small crowns, which should they purchase? He responded that it is better to purchase the two small ones. After the gabbaim left he asked the Kochav M'Yaakov for the source for this ruling and he cited the Rashi² to our Gemara where he states that in all areas it is preferable to obtain two items that are smaller rather than one item that is larger as long as the two choices are of equal value.

Doveiv Meisharim wonders whether this principle is limited to where all the choices come from a single variety or does it apply even when the choices are different objects. He cites as an example of this type of question an incident in which someone pledged to donate a silver ornament for a Sefer Torah. Since the ornament that he had in mind was not available he thought that he would purchase two silver crowns for a Sefer Torah. Now if he had initially pledged to bring one size ornament and then changed his mind to give a larger ornament he would certainly be allowed to do so as taught in an earlier Mishnah (107b). If, however, the larger item is a different variety than the smaller item, there is a debate. According to Tosafos³ one who pledges to offer a ram and offers instead a bull, has fulfilled his vow. Rambam⁴ disagrees and asserts that one who offers a bull instead of a ram does not fulfill his obligation.

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as well.

The final statement of the Baraisa is cited and explained.

5) Clarifying the Mishnah (cont.)

R' Menashe bar Zevid in the name of Rav qualifies a ruling in the Mishnah.

This qualification is successfully challenged and therefore revises the statement.

6) **MISHNAH:** The Mishnah returns to the topic of one who vowed to offer a korban but was not specific or does not recall what he specified in his vow.

7) One who consecrates

Our Mishnah is contradictory whether one who consecrates does so generously or not.

Shmuel resolves the contradiction and the Gemara elaborates on the procedure the owner must follow.

R' Nachman in the name of Rabbah bar Avuha limits the Mishnah's ruling to where he specified, "One of my bulls will be consecrated" and does not apply when he stated, "A bull amongst my bulls."

Two unsuccessful challenges to this statement are presented. ■

Seemingly, according to Rambam one who pledged to purchase an ornament does not fulfill his vow if he purchases a crown in its place. He concluded, however, that crowns and all different types of adornments are all part of a single category since they are all designed to beautify a Sefer Torah and as such all opinions would agree that purchasing a crown will fulfill his vow to purchase an ornament. ■

1. שו"ת דובב מישרים ח"ג סי' ט'.
2. רש"י ד"ה גדול והביא קטן.
3. תוס' ק"ז: ד"ה ורבי היא.
4. רמב"ם פט"ז מה"ל מעשה קרבנות ה"ט. ■

STORIES Off the Daf

Whose Seat?

"האומר לחבירו בית בביתי אני מוכר לך..."

A certain man gave his seat in the great shul to his friend with a binding kinyan, clearly delineating the seat's exact location. This friend then used the seat for several years and no one protested the arrangement. On the very day that he had made the original arrangement, however, the first man wrote in his will that he bequeathed the two seats of his in the great shul to a third man's sons—if he ever has them.

After several years, during which the second man enjoyed full use of his seat and the first man died, the third man claimed that it was one of the seats given to his future children. The second man denied this.

"Since there is no exact location delineated in the will, it must surely refer to other seats which we don't know about..."

When this altercation was sent to the Rashba, zt"l, for adjudication, he ruled that the second man was correct. "I don't understand why the third man is getting involved here. The seats were not even given to him. Even if he has children, the second man is still in the right—but not because of his reasoning. One proof of this is from Menachos 108. There we find that if one said, 'I am selling you one of my houses,' and one house caved in, the seller can say that it is the one he sold. This implies that if he had said only that he is selling his house, the good house is assumed to have been sold. This is the opinion of the Ramban in Gittin as well.

The Rashba concluded, "In our case the one who has been using the seat is correct

since he received the seat as a gift from a healthy man, while the third man's sons merely received a bequest which was slated to take effect later. It is also irrelevant if the niftar wrote the will before giving the seat outright to his friend, since regarding something slated to be given after death one may change his mind. Since the niftar gave the seat to his friend outright we understand that he must have changed his mind about giving it to the other man's sons."¹ ■

1. שו"ת הרשב"א, ח"ה, סי' קניב ■

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Har HaMoriah offers a different approach to resolve this problem. When someone offers one of his own animals, he should offer the best he has. However, when someone must go and buy an animal from the market to fulfill his vow, he is only obligated to buy an average animal. ■