

OVERVIEW of the Daf

1) Items essential for the validity of a korban (cont.)

The Gemara concludes its discussion regarding which items in the Beis HaMikdash are essential for the validity of korbonos.

2) The ramp used to transport the Parah Adumah

R' Chanina asserts that it was haughtiness that drove each Kohen Gadol to build a new ramp for the parah adumah, whereas according to R' Ulla it was to maintain a higher standard and show greater respect.

3) R' Akiva's restriction against using hekdesh for business

The Gemara explains that even according to R' Akiva if a person is willing to assume the risk for the entire loss in the event the investment fails, hekdesh funds could be used for business purposes.

Two incidents echo this approach.

4) מותר פירות ומותר נסכים

R' Chiya bar Yosef and R' Yochanan dispute the meaning of the terms מותר פירות ומותר נסכים.

The Gemara examines and develops the two opinions.

The guidelines of the use of the overbrim are clarified.

5) HALACHAH 3: MISHNAH: The procedure for selling and repurchasing the excess ketores is described.

6) Clarifying the Mishnah

The Gemara further clarifies the process of selling and repurchasing the excess ketores with the money needed to pay the workers.

Rebbi states that the money used to deconsecrate the incense was used to pay the households that prepared the incense and lechem hapanim.

R' Shmuel bar R' Yitzchak qualifies this ruling.

R' Chiya bar Ba rules that if there are no workers salaries, the money is used for dessert of the mizbeach.

7) Preparing the incense

R' Yosi the son of R' Chaninah rules that incense prepared in an unconsecrated utensil is invalid. R' Yehoshua ben Levi rules that it is valid.

The reason for each opinion is explained.

The Gemara asserts that R' Yosi the son of R' Chaninah follows the ruling of Shmuel, and R' Yehoshua ben Levi follows the opinion of R' Yochanan.

As a side point to this discussion the Gemara records a dispute between Shmuel and R' Yochanan concerning leftover lambs designated for the Korban Tamid.

The Gemara takes this issue a step further and examines their opinions in the context of leftover goats designated to be for a Korban Chatas. ■

Distinctive INSIGHT

Investing consecrated funds, and the funds of orphans

אין בעית דהפסדה דידך ואגרה דתרויכון שרי

The commentators on the daf explain that if the investor accepts the risk of loss, the funds of hekdesh may be invested. Even if a profit is realized, there is no problem of interest. This sugya is in accordance with the Gemara in Bava Metzia (70a), where we are taught that funds of orphans may be invested if the investor accepts the risk and guarantees the orphans no loss of principle. The concept is based upon the rule which prohibits advancing capital or merchandise to a businessman in order to divide the profit evenly. The reason is that the halachah sees this arrangement as 50% loan and 50% as a deposit (still owned by the financier), and the efforts to run the endeavor which is expended by the worker for the half owned by the investor are seen as a form of interest, being furnished in consideration of advancing of the funding. This is אבק ריבית and it is rabbinically prohibited. This, however, is permitted with funds of orphans, if the risk of loss is assumed by the businessman.

The Tur (Y.D. 160) writes that when the funds of the Mikdash are involved, an investment can be made even with ריבית קצוצה—a guarantee of a set interest return, which is prohibited by Torah law when dealing with civilians. ר"ש explains that the reason for this is that the verse which prohibits collecting interest (Vayikra 25:37) only restricts such arrangements with "כספך—your money." Consecrated funds are not owned by any individual, and this law, therefore, does not apply to הקדש.

In his Responsa, Rashba (4:#232) writes that we only allow the funds of orphans to collect interest in the case where the risk is assumed by the investor. The Tur, however, allows them to collect all forms of interest which are generated by their monies, if the interest is the type which is only prohibited rabbinically. Beis Yosef comments that Rosh (Bava Metzia 5:3) rules according to this extended leniency to allow all forms of rabbinic interest, and this also seems to be the opinion of Rambam (הל' מלוה ולוה פ"ד הי"ד) based upon the expression used in his ruling, which does not differentiate between varying cases of אבק ריבית. ■

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HALACHAH Highlight

Starting a business with tzadakah money

רבי חייה בר אדא איתפקד גביה מדל דיתמין ועביד כן

R' Chiya bar Ada had money of orphans that was deposited to his care and he did the same.

R' Chiya bar Ada conducted business with the orphans' money, accepting upon himself to bear any losses incurred personally, but divide any revenues with the orphans. The poskim discuss the permissibility of conducting business using money belonging to the poor, such as ma'aser money¹. One of the relevant issues is the question of whether one may keep the profits from such an endeavor or if they belong to the poor. Another situation in which this concern arises is purchasing a raffle ticket from a charity organization. R' Moshe Feinstein, zt"l, writes² that the permissibility of doing so depends on how the sale of tickets is arranged. If the organization plans to sell a limited number of tickets to raffle off a specific sum of prize money, one may not use ma'aser money to purchase a ticket. In such a case, the tickets have a certain value even to someone whose intent is not for the sake of giving charity, and one may not use ma'aser money for his own personal gain. However, if there are an unlimited amount of raffle tickets for sale over an extended period of time, then anyone who buys a ticket intends for the money to go to tzadakah, and it is permitted to

REVIEW and Remember

1. Why did they build walls on the ramp for transporting the parah adumah?
2. What condition permits the use of orphans' money for commerce?
3. Can the incense be prepared in a non-consecrated utensil?
4. What is the difference between a communal chatas and a personal chatas?

use ma'aser funds to purchase a ticket. The winner of the raffle is then considered like one who got a present from the organization. It³ is still proper, but not required, that the winner reimburse ma'aser for the amount of the ticket. Similarly, receiving a tax exemption for making a charitable donation⁴ is not considered benefiting from tzadakah. ■

1. בצדקה ומשפט פ"ח הערה י"ג והערה ל'. [ובאג"מ דלהלן נראה שמחמיר בזה. ורק מיקל כשהוא כמתנה בעלמא. ודו"ק] וע"ש בצו"מ, שאם היה בדעתו להרוויח לצדקה בודאי שהרוויח לצדקה. וכשערך המעות הולכים ופוחתים, יתן לצדקה הפרשי הצמדה, ועע"ש
2. שו"ת אג"מ חאו"ח ח"ד סימן ע"ו, אות ב'
3. אג"מ שם
4. שו"ת אג"מ חיו"ד ח"א סימן קמ"ג בד"ה ובדבר ■

STORIES Off the Daf

The dangers of pride

שחצית גדולה היתה בבני כהנים גדולים... איתן לך למימר שמעון הצדיל שחף היה?

We see in today's daf that that a single act can be motivated either by pride or from a genuine desire to bring honor to one's עבודה. The Maharal, zt"l, explains the essence of pride. It is that while one is in the throes of it, one thought alone preoccupies us: "What will they think?" And those who serve the community are especially vulnerable to this spiritual malady, because their responsibilities tend to demonstrate the great things that human beings can ac-

complish. For the kohanim, building a new ramp was exactly the kind of communal service that could bring out the worst in them. It could be done to show off the wealth of the builder, or to glorify a precious mitzvah. Whether we are counted among the "bnei kohanim" or the spiritual children of Shimon Ha-Tzaddik depends only on the purity of our thoughts and intentions.

Rav Krozner, z"l, once shared a room overnight with Rav Eliyahu Lopian, zt"l, and woke up early to find Rav Elya standing near the window speaking softly to himself so as not to wake him. He listened carefully and heard him repeat time after time, "Do not bring an abomination into your house."

"Please," he asked, "explain why you

are repeating this particular verse."

Rav Elya answered, "You know that we are about to daven in the yeshiva, where I sit in the mizrach and the students honor me by standing up for me. They even wait for me to finish before starting הש"ץ. חזרת הש"ץ. I worry that perhaps a prideful thought will occur to me, God forbid! So I remind myself: כל תועבת ה' - Any haughtiness of heart is an abomination unto God. This applies to any pride, even if it is the pride of a Rosh Yeshivah who has no choice but to accept honor. Even though this kind of pride is a mitzvah, for the verse says also: חזרת הש"ץ, but who am I to say that I am free of the plain arrogance that being honored can lead to?" ■

