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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

***After the Knives are Put Away and Using the Crown of  
Torah for Personal Benefit***

The *Gemora* cites a *braisa*: If most of the cutting knives have been put away, the remaining figs are permitted to strangers as far as theft is concerned (*for the owners have decided not to gather them any longer*), and are exempt from tithes (*since they are ownerless*).

The *Gemora* records a related incident: Rebbe and Rabbi Yosi the son of Rabbi Yehudah came to a certain place when most of the cutting knives had been put away. Rebbe ate the remaining figs and Rabbi Yosi the son of Rabbi Yehudah did not. Their owner came and said to them, “Why are the Rabbis not eating? Most of the cutting knives have been put away!” Nevertheless, Rabbi Yosi the son of Rabbi Yehudah did not eat, believing that the man had spoken sarcastically (*as if to say: “You have already permitted it for yourselves.”*)

The *Gemora* relates a similar incident: Rabbi Chama the son of Rabbi Chanina came to a certain place when most of the cutting knives had been put away. He ate the remaining figs, but his attendant refused to eat. Rabbi Chama the son of Rabbi Chanina said to him, “Eat! Rabbi Yishmael the son of Rabbi Yosi said in his father’s name: If most of the cutting knives have been put away, the remaining figs are permitted to strangers as far as theft is concerned, and are exempt from tithes.

The *Gemora* records another related incident: Rabbi Tarfon was found by a man eating of the remaining figs

when most of the cutting knives had been put away. The man threw him into a sack and carried him to throw him into the river. Rabbi Tarfon cried out, “Woe to Tarfon, whom this man is about to murder!” When the man heard this, he abandoned him and ran away.

Rabbi Avahu said in the name of Rabbi Chanania ben Gamliel: All of his lifetime, that righteous man (*Rabbi Tarfon*) grieved over this, saying. “Woe is me that I used the crown of the Torah for my own personal benefit!” (*The man only let him go because of the honor of his Torah.*) For Rabbah bar bar Chanah said in the name of Rabbi Yochanan: Whoever uses the crown of the Torah for his own personal use is uprooted from the world. This can be proven from a *kal vachomer* (*literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*): If Belshazzar, who used the holy vessels (*from the Beis Hamikdash*) which had become profaned, and yet, he was uprooted from the world; how much more so, (*should one get punished*) he who uses the crown of the Torah for his own benefit, which (*its sanctity*) endures forever!

The *Gemora* asks: Why did the man persecute Rabbi Tarfon? He was permitted to eat those figs since most of the cutting knives were put away!

The *Gemora* answers: He did so because his grapes were being stolen and he thought Rabbi Tarfon was the thief.



The *Gemora* asks: If so, why was Rabbi Tarfon grieving (about using the crown of Torah to save himself)?

### **The Ra"n Elucidated**

[If the issue was only regarding the remaining figs, it is understandable that he was grieving. He didn't have to use the crown of Torah. He could have just explained to the man why it was permitted. Even if the man would not have accepted it, Rabbi Tarfon could have paid him off with a minimal amount of money. But, if indeed, the man's grapes were being stolen the entire year, what could Rabbi Tarfon have done? Should he be expected to compensate him with a large amount of money that he really didn't owe?]

The *Gemora* answers that since Rabbi Tarfon was very wealthy, he should have appeased the owner with money (and he should not have used the crown of Torah to save himself).

The *Gemora* cites a *braisa*: A person should not say that he will read Scripture in order to be called a wise man. He will study *Mishna* in order to be called a Rabbi. He will learn *Gemora* in order to be like the elders sitting in the Beis Medrash. Rather, a person should learn Torah out of love of Hashem, and eventually, the honor will come.

Rabbi Eliezer the son of Rabbi Tzadok said: Do the Torah's words for the sake of their Maker. Study the Torah for its sake. Do not make the Torah into a crown for yourself in order to be glorified through it. Do not make the Torah as a spade to dig with (using it as a means of support). This can be proven from a *kal vachomer*: If Belshazzar, who used the holy vessels (from the Beis Hamikdash) which had become profaned, and yet, he was uprooted from the world; how much more so, (should one get punished) he who uses the crown of the Torah for his own benefit, which (its sanctity) endures forever!

Rava said: A Torah scholar may reveal his identity where he is unknown (to claim his rightful due), as it is written [Melachim I 18:12]: *But your servant has feared Hashem since my youth. (Ovadiah was permitted to inform Elyahu that he was a righteous person.)*

The *Gemora* asks: Accordingly, why was Rabbi Tarfon grieving?

The *Gemora* answers that since Rabbi Tarfon was very wealthy, he should have appeased the owner with money (and he should not have used the crown of Torah to save himself).

Rava reconciles two Scriptural verses by saying that a Torah scholar should not praise himself in a place where he is known, but he is permitted to do so in a place where he is not known.

Rava said: A Torah scholar may assert that he is a rabbinical scholar and his dispute should be judged first. This may be derived from the verse that states [Shmuel II 8:18]: *And David's sons were Kohanim (obviously they weren't actually Kohanim)*. We learn from here that just as a *Kohen* receives his portion first, so does a Torah scholar.

And how do we know this of a *Kohen*? It is from that which is written [Vayikra 21:8]: *You shall sanctify him, for he offers the bread of your God*. And it was taught in the Beis Medrash of Rabbi Yishmael: *You shall sanctify him* teaches us that in all matters pertaining to holiness, the *Kohen* takes precedence. He should be the first one called to read the Torah. He should be the first to recite the blessing by a meal. He takes the first portion (if he is dividing something with a *Yisroel*, the *Kohen* has the right to choose the first portion).



Rava said: A Torah scholar is permitted to say that he will not give money for the head tax. The *Gemora* cites a Scriptural source for this.

Rava also said: A Torah scholar is permitted to say that he is a servant of the fire-worshippers and he is therefore exempt from paying the head tax. What is the reason for this? Because it is only being said in order to drive away a lion.

### ***The Ra"n Elucidated***

*[The servants of these worshippers were exempt from paying the tax. He is permitted to say this even though it is forbidden to concede to idolatry, because the situation makes it evident that he is only asserting this to free himself from paying the tax. This halacha is true by any Jew, but the Gemora mentioned a Torah scholar to teach us that even he is permitted to make this declaration. Although they think that he is referring to idolatry, in his heart, he actually means Hashem, for it is written: Hashem, your God, a consuming fire. ]*

The *Gemora* records an incident: Rav Ashi owned a forest, which he sold to a temple that worshipped fire. Ravina asked him: But there is the prohibition against placing a stumbling block before the blind! Rav Ashi replied: Most of the wood is used for cooking fires (*and not for idolatry purposes*). (62a – 62b)

### ***Mishna***

The *Mishna* states: If he makes a *neder* “until the harvest,” he is forbidden until the people begin to gather the wheat harvest, but not the barley harvest. Everything is in accordance with the place of his vow.

If he was in the mountain, the prohibition remains in effect until they harvest in the mountain, and if he was in the valley, it is according to the valley.

One who makes a *neder* “until the rains” or “until the rains begin” he is forbidden until the second rainfall. Rabban Shimon ben Gamliel says: he is forbidden until the time of the second rainfall.

If he says, “Until the rains will cease,” he is forbidden until the month of Nissan has passed; these are the words of Rabbi Meir. Rabbi Yehudah says: Until *Pesach* will be over. (62b)

*[We use the sefer “The Commentary of Rabbenu Nissim on Nedarim” from Rabbi Nathan Bushwick extensively to assist us in preparing the “Elucidation of the Ra”n.” The sefer, written in English is available for sale by writing to: Rabbi Nathan Bushwick 901 Madison Ave. Scranton, Pa 18510-1019. The cost is \$25.00.]*

## **INSIGHTS TO THE DAF**

### ***Kohen Takes Precedence (even after resurrection)***

Rava said: A Torah scholar may assert that he is a rabbinical scholar and his dispute should be judged first. This may be derived from the verse that states [Shmuel II 8:18]: *And David’s sons were Kohanim (obviously they weren’t actually Kohanim)*. We learn from here that just as a *Kohen* receives his portion first, so does a Torah scholar.

And how do we know this of a *Kohen*? It is from that which is written [Vayikra 21:8]: *You shall sanctify him, for he offers the bread of your God*. And it was taught in the Beis Medrash of Rabbi Yishmael: *You shall sanctify him* teaches us that in all matters pertaining to holiness, the *Kohen* takes precedence. He should be the first one called to read the Torah. He should be the first to recite the blessing by a meal. He takes the first portion (*if he is*

*dividing something with a Yisroel, the Kohen has the right to choose the first portion).*

The *Gemora* in Megillah records the following incident: Rabbah and Rabbi Zeira ate the Purim meal together. They became intoxicated. Rabbah got up and slaughtered Rabbi Zeira. On the following day, Rabbah pleaded for mercy and he revived Rabbi Zeira. On the next year, Rabbah invited Rabbi Zeira to eat with him. Rabbi Zeira replied: A miracle does not occur at all times.

The Kli Chemda at the end of Parshas Breishis cites a kuntrus called Over Oreach. In this sefer, a question is asked: The *Gemora* Brochos (46a) records an incident where Rabbi Avahu honored Rabbi Zeira to recite the blessing and cut the bread. The Rashba asks that this is inconsistent with the halacha which states that this honor should be reserved for the host. The Rashba answers: since the meal was on behalf of Rabbi Zeira (he had recovered from a sickness), Rabbi Zeira was considered the host. Why didn't the Rashba answer that Rabbi Zeira was a kohen (Yerushalmi Brochos 8:6)? He answers that since this incident happened after the episode of Rabbah with Rabbi Zeira mentioned in Megillah (Rabbah slew him and the following day revived him), Rabbi Zeira lost his sanctity of being a kohen and did not merit the right of this honor.

The Kli Chemda is greatly perplexed by this answer. Every kohen is considered a kohen because his father was a kohen. It is obvious that He did not lose his relations with his relatives because he dies, so why shouldn't he be a kohen? (Rabbi Chaim Berlin cites a *Gemora* in Sanhedrin, proving that the Kehuna remains even after resurrection.) Perhaps he would have required a new inauguration to serve in the Beis Hamikdosh but he definitely did not lose the status of being a kohen. He cites proof from the story with Elisha that one does not relinquish his relations with his relatives after he dies.

(Look at the Ramban in the beginning of Parshas Emor, where he writes that a kohen has certain halachos because he is a descendant of Aharon Hakohen and other halachos are because he is a kohen himself.)

After his resurrection, would he be required to marry his wife again? Reb Elchonon Wasserman discusses the status of the wife of Eliyahu after he ascended to Heaven without dying.

### ***Ma'aser on a Snack***

The *Gemora* relates a similar incident: Rabbi Chama the son of Rabbi Chanina came to a certain place when most of the cutting knives had been put away. He ate the remaining figs, but his attendant refused to eat. Rabbi Chama the son of Rabbi Chanina said to him, "Eat! Rabbi Yishmael the son of Rabbi Yosi said in his father's name: If most of the cutting knives have been put away, the remaining figs are permitted to strangers as far as theft is concerned, and are exempt from tithes.

Rabbi Eliezer Horowitz explains: The attendant refused to eat because he was concerned that the produce must be properly tithed. The fact that Rabbi Chama was eating did not satisfy his concern, for he made the following calculation: Rabbi Chama was eating as a snack and such types of eating would not obligate one to separate *ma'aser*. However, he would be eating because Rabbi Chama was required to feed him. It would emerge that the produce given to him would be in exchange for his labor. This would be regarded as a "type of purchase" (*and not as a snack*), and consequently, he would be obligated to separate *ma'aser*.