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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

Mishna

If a man declared, “I accept upon myself to give my weight to *hekdes*h,” he must pay his weight (*according to the substance that he specified*); if he had said he will pay in silver, he pays in silver, and if he had said he will pay in gold, he pays in gold.

It happened with the mother of Yirmatya, who had said, “I accept upon myself to give my daughter’s weight to *hekdes*h,” and she went up to Yerushalayim and weighed her and then gave her weight in gold.

If a man said, “I accept upon myself to give the weight of my arm to *hekdes*h,” Rabbi Yehudah says (*that its weight is determined as follows*): Let him fill a barrel with water and put his arm in up to the shoulder (*which will displace the water equivalent to the volume of his arm*). Then let him take the flesh, bones and sinews of a donkey (*which is similar to human flesh*) and put it into the barrel until it is filled up again. [*The amount of donkey flesh that it takes to refill the barrel is the amount that should be weighed; he gives that amount to hekdes*h.] Rabbi Yosi said: But how is it possible to account exactly one kind of flesh against another kind of flesh, and one kind of bones against another kind of bones? [*The proportion of each will not be exactly equal.*] Rather, one estimates what the arm appears to weigh. (19a)

Gold, Silver or Pitch?

Rav Yehudah explained the *Mishna* to mean that if he had said he will pay in silver, he pays in silver, and if he had said he will pay in gold, he pays in gold.

The *Gemora* explains the novelty in his teaching: If he would not have mentioned expressly (*any particular substance*), he can free himself of the obligation with anything. This would be in accordance with Rachavah, who said that in a place where they sell pitch by weight (*and not by volume*), he can free himself (*by paying his weight*) even with pitch (*which costs less than most other things*).

The *Gemora* asks: But even that is obvious!?

The *Gemora* answers: It is necessary to teach this ruling regarding a case where (*in this particular town*) some weigh (*pitch*) and others measure it (*by volume*). You might have thought that since not all of them sell it by weight, he may not free himself by giving his weight in pitch; therefore, we are informed that he may.

Rav Pappa said: In a place where it is the custom to sell onions by weight, he can free himself even with onions.

The *Gemora* explains the novelty in his teaching: It is necessary to teach this ruling regarding a case where the custom in that town was to add two or three onions after weighing; you might have thought that it should therefore be excluded from the rule of things that are sold by weight (*for he is demonstrating that he is selling by quantity*). Rav Pappa therefore informs us that it is not so excluded (*for he is selling*

the onions by weight, and the extra onions are merely a gratuity).

The *Mishna* had stated: It happened with the mother of Yirmatya [who had said, "I accept upon myself to give my daughter's weight to *hekdesh*," and she went up to Yerushalayim and weighed her and then gave her weight in gold].

The *Gemora* asks: Is this incident reported to contradict the ruling just stated (that if no particular substance is mentioned, one can give from the cheapest material; why in this case was her weight in gold given)?

The *Gemora* answers that it is as if there is something missing here and the *Mishna* should read as follows: But if the vower is a prominent person, then although he has not expressly stated and particular substance, we assess him in accordance with his dignity (and he therefore must give the weight in gold); and it once happened with the mother of Yirmatya, who had said, "I accept upon myself to give my daughter's weight to *hekdesh*," and she went up to Yerushalayim and weighed her and then gave her weight in gold. (19a)

Stature, Stance and Breadth

Rav Yehudah said: If one says, "I accept upon myself to give my stature to *hekdesh*," he must give a staff (as tall as himself, and from whatever material he specified) which cannot bend (for 'stature' alone implies a certain amount of rigidity). If, however, he said, "I accept upon myself to give my full stature to *hekdesh*," he may give a staff which can bend.

They asked from the following *braisa*: If one said, "I accept upon myself to give my stature to *hekdesh*," or if he said, "I accept upon myself to give my full stature to *hekdesh*," he must give a staff which cannot bend?

The *Gemora* answers: Rav Yehudah holds like Rabbi Akiva, who draws inferences from redundant speech, for it was taught in a *Mishna*: If one sells a house, he does not include any pits or cisterns, even if he explicitly included depth and airspace. Rabbi Akiva says that the seller must purchase a pathway from the buyer (in order to access the pit; this is because he did not exclude a pathway to the pit for himself). The Sages say that when he retained the pit, he also retained a pathway to the pit. Rabbi Akiva agrees that if the seller explicitly excluded a pit, he also retained a pathway, and need not purchase it from the buyer.

Evidently, Rabbi Akiva holds that whenever a person mentions something which is not necessary, his intention was to add something; so here also, since he mentioned that which was not necessary ("my 'full' stature"), his intention was to add something.

The *Gemora* inquires: If he said, "I accept upon myself to give my stance to *hekdesh*," what is the *halachah*? [Does he mean "his height," or is this a meaningless expression?] If he says, "his breadth," what is the *halachah*? [Does he mean a rod "as broad and as tall" as himself, or does he mean a rod "as tall" as he is broad?] What about: "his sitting," "his thickness," "his circumference"? The *Gemora* leaves these questions unresolved. (19a – 19b)

Weighing One's Arm

The *Mishna* had stated: If a man said, "I accept upon myself to give the weight of my arm to *hekdesh*" etc.

The *Gemora* cites a *braisa*: If a man said, "I accept upon myself to give the weight of my arm or the weight of my leg to *hekdesh*," Rabbi Yehudah says (that its weight is determined as follows): Let him fill a barrel with water and put his arm in up to his armpit, or his leg up to the knee (which will displace the water equivalent to the volume of his arm or foot). Then let him take the flesh, bones and sinews



of a donkey (*which is similar to human flesh*) and put it into the barrel until it is filled up again. [*The amount of donkey flesh that it takes to refill the barrel is the amount that should be weighed; he gives that amount to hekdesch.*] And although there is no proof for it (*that donkey flesh is equivalent to that of humans*), there is a hint to it from the following verse: *Whose flesh (the Egyptians) is as the flesh of donkeys.* Rabbi Yosi said: But how is it possible to account exactly one kind of flesh against another kind of flesh, and one kind of bones against another kind of bones? [*The proportion of each will not be exactly equal.*] Rabbi Yehudah answered him: They estimate (*the proportion of the flesh, bones and sinews of the human flesh, and corresponding to that, they take from the donkey's flesh*). Rabbi Yosi said back to him: If you must estimate, estimate the person's arm itself. Rabbi Yehudah responds: We do as much as possible (*to determine the most accurate weight*). (19b)

Definition of "Arm" or "Leg"

The *braisa* had stated regarding an arm (*that when he says, "the weight of my arm," we weigh his arm*) up to the armpit.

The *Gemora* asks from a *braisa*: The (*sanctification of the*) hands and feet in the Temple (*by the Kohanim before entering to perform the Temple service*) were (*washed*) up to the wrist. [*Evidently, 'yad' or 'arm' means 'hand,' and not the entire arm!?*]

The *Gemora* answers: In Biblical terms, '*yad*' means up to the wrist, but with regard to vows, we go after the common human language (*where 'yad' refers to the entire arm*).

The *Gemora* asks: But even in Biblical terms, does '*yad*' mean up to the wrist? But with respect of *tefillin*, where it says '*your yad*,' it was taught that they should be placed on the biceps (*which is the top part of the arm*)!?

The *Gemora* answers: Rather say as follows: In Biblical terms, '*yad*' refers to the biceps, and with regard to vows, we go after the common human language (*where 'yad' refers to the entire arm*), and as to washing of the hands and feet in the Temple, that is a traditional teaching (*that only the hand needs to be washed*).

The *braisa* had stated regarding a leg (*that when he says, "the weight of my leg," we weigh his leg*) up to the knee.

The *Gemora* asks from a *braisa* which states that people with artificial legs (*attached to their ankles*) are not required to be *oleh regel* (*to go the Beis Hamikdash on the three festivals*). This is because the verse uses the unusual word "*regalim*" for festivals, implying that only people who have "*regalim*" – "*legs*" are required to be *oleh regel*. [*Evidently, a leg is only up to the ankle, not to the knee!?*]

The *Gemora* answers: Regarding vows, we go after the common human language (*where 'leg' refers to the entire leg up to the knee*).

The *Gemora* asks: Why, then, was it taught in a *Mishna* that if a widow removed the shoe from below the knee (*of the deceased brother*) it is a valid *chalitzah* (*but regarding oleh regel, th leg is only up to the ankle*)?

The *Gemora* answers that *chalitzah* is different, as the Torah merely states that the shoe must be "*mei'al raglo*," something which is usually found "*on top of his leg*."

If so, the *Gemora* asks, then why does the *Gemora* disqualify a shoe that is above one's knee?

The *Gemora* answers that it cannot be something that is tied above one's knee, as this would be "*above on top of one's leg*."

Rav Pappa said that it is apparent that the ankle connects with the foot to put pressure on the ground. If it would not



be so connected as to be useful to the bottom part of the foot, but would be deemed a mere link between the foot and leg, the word “*mei’al*” would be defined as being on the ankle area, whereas anything above that would be considered “above on top of one’s leg.” Being that the *Mishna* does not invalidate any footwear worn above the ankle for *chalitzah*, it implies that the ankle is actually considered part of the “leg area.”

Rav Ashi states that this is not a proof regarding the ankle’s function, as it is possible that the ankle is considered part of the leg area merely because it happens to be directly over, and close to, the heel of one’s foot. (19b)

INSIGHTS TO THE DAF

Another Path

The Rama (HM 214:2) rules that although we rule that one who bought a pit or house on someone else’s property is assumed to have acquired the access rights to it, if he already owns a path to it, we do not give him a new access route.

Types of Pits

The *Mishna* lists two types of pits that are excluded from a home sale – an earthen pit, and a paved pit. The Rashbam explains that both types of pits have to be explicitly listed. If only an earthen pit was listed, we may have thought that a paved pit, which is similar to the house, which is not land, but built on land, would be included. If only a paved pit was listed, we may have thought that such a pit is significant, and is therefore not ancillary to the house. However, an earthen pit would be considered ancillary to the house, and included in its sale.

No Path?

The Sages say that if one sells a house, he retains his pit, and

a pathway, while if he sells his pit, the buyer must buy access rights. Rabbi Akiva says that if one sells a house, he retains his pit, but not access rights, while if he sells his pit, the buyer gets access rights. The Reshah says that even when one does not get access rights, this simply means that he does not own a path four *amos* wide to his pit. However, he does have a narrow path to his pit.

The Yad Ramah asks what the buyer of a pit bought according to the Sages, if he does not have access rights. The Yad Ramah says that all the buyer bought was the right to be a *bar matzra* – a neighbor, with first rights to purchase adjoining land.

The Reshah is inconsistent with this Yad Ramah, since according to the Reshah, the buyer does have access to his pit, albeit in a less comfortable manner.

DAILY MASHAL

Arachin Are an Atonement for the Curses

The amounts concerning ‘*arachin* include payments amounting to 143 *shekel*: 50 for a man, 30 for a woman, 15 for an old man, 10 for an old woman, 20 for a youth, ten for a young woman, five for a male infant and three for a female infant. It is conveyed in the name of Rabbi Eliezer of Worms, the author of the *Rokeiach*, that the matter contains a profound hint. Next to the *parashah* of ‘*erchin* appears the *parashah* of the curses containing 45 curses (cf. Rashi Devarim 29:12) With the 98 curses in *parashas Ki Savo*, they amount to 143 curses. “These are worthy to atone for those” (*Ma’yanah shel Mishnah*).