דַּף יוֹמִי · עֲרָכִין · דַּף ו׳

Daf Yomi · The Full Daf · Elucidated Talmud · Navy & Gold Edition · with Rashi

📖 THE SUGYA

In this sugya, the Gemara explores the halachos regarding accepting donations from a non-Jew for the Beis Hamikdash or for a shul. We learn about the crucial difference between accepting materials at the very beginning of the building of the Beis Hamikdash versus after it is already standing, as well as the rules about items that are distinct and recognizable. The Gemara also discusses a case where a non-Jew separates terumah or donates a beam, and we are concerned about his unspoken intentions.

From there, the Gemara moves into the halachos of tzedakah and how it compares to hekdesh. We analyze whether someone who designates a specific coin for tzedakah is allowed to swap it out for a different coin, depending on the exact lashon he used and whether the money has already reached the hands of the gabbai tzedakah.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עמוד א׳ DAF 6A

BRAISA

תָּנָא חֲדָא: גּוֹי שֶׁהִתְנַדֵּב נְדָבָה לְבֶדֶק הַבַּיִת מְקַבְּלִים הֵימֶנּוּ,

One Baraita taught: In the case of **a non-Jew who volunteered a donation for the maintenance of the Temple, we accept it from him;**

OBJECTION

וְתַנְיָא אִידַּךְ: אֵין מְקַבְּלִין!

and another Baraita taught: We do not accept it **from him!** Is this not a contradiction?

RESOLUTION

אָמַר רַבִּי אִילָא אָמַר רַבִּי יוֹחָנָן: לָא קַשְׁיָא, הָא — בַּתְּחִילָּה, הָא — בַּסּוֹף.

Rabbi Ila said that **Rabbi Yochanan said:** This is **not difficult. This** Baraita, which says we do not accept it, is speaking **at the beginning** of the building of the Temple; while **that** Baraita, which says we do accept it, is speaking **at the end,** after the Temple is already built.

PROOF

דְּאָמַר רַבִּי אַסִּי אָמַר רַבִּי יוֹחָנָן: בִּתְחִילָּה, אֲפִילּוּ מַיִם וּמֶלַח אֵין מְקַבְּלִין מֵהֶם.

For Rabbi Assi said that **Rabbi Yochanan said: At the beginning** of the building, **we do not accept even water and salt from them,** so that the non-Jews should not have a share in establishing the Temple.

EXPLANATION

בַּסּוֹף, דָּבָר הַמְּסוּיָּם אֵין מְקַבְּלִין, דָּבָר שֶׁאֵינוֹ מְסוּיָּם מְקַבְּלִין.

However, **at the end,** after it is built, **a item that is distinct** and recognizable **we do not accept,** so that they do not take pride in a visible part of the Temple, but **an item that is not distinct we do accept.**

QUESTION

הֵיכִי דָּמֵי דָּבָר הַמְּסוּיָּם?

The Gemara asks: **What is considered an item that is distinct?**

ANSWER

אָמַר רַב יוֹסֵף: כְּגוֹן אַמָּה כְּלִיָּא עוֹרֵב.

Rav Yosef said: For example, the cubit-wide raven-dispeller sheet of metal with spikes placed on top of the roof of the Sanctuary.

OBJECTION

מֵתִיב רַב יוֹסֵף: "וְאִיגֶּרֶת אֶל אָסָף שׁוֹמֵר הַפַּרְדֵּס אֲשֶׁר לַמֶּלֶךְ וְגוֹ'".

Rav Yosef raised an objection against Rabbi Yochanan's rule that at the beginning of building nothing is accepted: But Nechemiah asked King Artachshashta: **"And a letter to Asaph the keeper of the king's park, that he give me timber..." (Nechemiah 2:8).** So we see Nechemiah accepted building materials from a non-Jew at the very beginning of building Yerushalayim!

RESOLUTION

אֲמַר לֵיהּ אַבַּיֵי: שָׁאנֵי מַלְכוּתָא דְּלָא הָדְרָא בַּיהּ,

Abaye said to him: A government is different, because it does not renege on its word or boast about minor gifts, so there is no concern.

PROOF

דְּאָמַר שְׁמוּאֵל: אִי אָמַר מַלְכוּתָא "עָקְרָנָא טוּרֵי", עָקַר טוּרֵי וְלָא הָדַר בֵּיהּ.

For Shmuel said: If the government says, "I will uproot mountains," it will uproot mountains and will not renege on its word.

STATEMENT

אָמַר רַב יְהוּדָה אָמַר רַב: גּוֹי שֶׁהִפְרִישׁ תְּרוּמָה מִכְּרִיוֹ, בּוֹדְקִין אוֹתוֹ,

Rav Yehuda said that **Rav said:** In the case of **a non-Jew who separated terumah from his pile** of grain, **we examine him** to clarify his intention.

EXPLANATION

אִי בְּדַעַת יִשְׂרָאֵל הִפְרִישָׁהּ — תִּינָּתֵן לַכֹּהֵן,

If he separated it with the intention of an Yisrael, meaning to give it to a Kohen as gifts, **it should be given to the Kohen;**

EXPLANATION

וְאִם לָאו — טְעוּנָה גְּנִיזָה, חָיְישִׁינַן שֶׁמָּא בְּלִבּוֹ לַשָּׁמַיִם.

and if not, if he is vague, **it requires genizah** (burial/hiding), because **we are concerned that perhaps in his heart he intended it for Heaven,** i.e., he meant to sanctify it for the Temple, making it prohibited to eat, yet we cannot use it for the Temple either.

OBJECTION

מֵיתִיבִי: גּוֹי שֶׁהִתְנַדֵּב קוֹרָה, וְשֵׁם כָּתוּב עָלֶיהָ — בּוֹדְקִין אוֹתוֹ,

The Gemara **raised an objection** from a Baraita: In the case of **a non-Jew who volunteered a beam** for a shul, **and a Holy Name was written on it, we examine him.**

EXPLANATION

אִם אָמַר: "בְּדַעַת יִשְׂרָאֵל הִפְרַשְׁתִּיהָ" — יָגוֹד וְיִשְׁתַּמֵּשׁ בַּמּוֹתָר,

If he said, "I separated it with the intention of an Yisrael," he cuts away the Holy Name **and uses the remainder** of the beam for the shul;

EXPLANATION

וְאִם לָאו — טְעוּנָה גְּנִיזָה, חָיְישִׁינַן שֶׁמָּא בְּלִבּוֹ לַשָּׁמַיִם.

and if not, it requires genizah, because **we are concerned that perhaps in his heart he intended it for Heaven.**

INFERENCE

טַעְמָא דְּשֵׁם כָּתוּב עָלֶיהָ, דְּבָעְיָא גְּנִיזָה; הָא אֵין שֵׁם כָּתוּב עָלֶיהָ — לָא בָּעְיָא גְּנִיזָה!

Now the Gemara analyzes this Baraita: **The reason** it requires burial is **specifically because a Holy Name is written on it, that it requires genizah; but if no Holy Name was written on it, it would not require genizah!** Why then did Rav say that plain terumah of a non-Jew requires genizah without any Holy Name on it?

ANSWER

הוּא הַדִּין דְּאַף עַל גַּב דְּאֵין שֵׁם כָּתוּב עָלֶיהָ נָמֵי בָּעְיָא גְּנִיזָה,

The Gemara answers: **The same law applies that even though there is no Holy Name written on it, it also requires genizah** if he might have intended it for Heaven.

EXPLANATION

וְהָא קָא מַשְׁמַע לַן, דְּאַף עַל גַּב דְּשֵׁם כָּתוּב עָלֶיהָ, יָגוֹד וְיִשְׁתַּמֵּשׁ בַּמּוֹתָר, דְּשֵׁם שֶׁלֹּא בִּמְקוֹמוֹ לָאו קָדוֹשׁ.

And this is coming to teach us: That even though a Holy Name is written on it, he cuts away the Name **and uses the remainder, because a Holy Name outside its proper place is not sacred** to make the rest of the beam holy.

PROOF

דְּתַנַּן: הָיָה כָּתוּב עַל יְדוֹת הַכֵּלִים וְעַל כַּרְעֵי הַמִּטָּה — חֲרֵי זֶה יָגוֹד וְיִגְנוֹז.

As we learned in a Mishnah: If a Holy Name **was written on the handles of vessels or on the legs of a bed, he cuts away** the Name **and buries** it, and may use the rest.

STATEMENT

אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבָהוּ: הָאוֹמֵר "סֶלַע זוֹ לִצְדָקָה" — מוּתָּר לְשַׁנּוֹתָהּ.

Rav Nachman said that **Rabbah bar Avahu said: One who says, "This sela coin is for tzedakah," it is permitted to exchange it** for a different coin and use this specific coin for something else.

INFERENCE

סְבוּר מִינַּהּ: לְעַצְמוֹ — אִין, לְאַחֵר — לָא.

The Talmidim **understood from this: For himself, yes,** he may exchange it and borrow it, but **for another person, no,** he cannot swap it.

STATEMENT

אִיתְּמַר: אָמַר רַב אַמִּי אָמַר רַבִּי יוֹחָנָן: בֵּין לְעַצְמוֹ בֵּין לְאַחֵר.

It was stated: Rabbi Ami said that **Rabbi Yochanan said: Whether for himself or whether for another person,** he is permitted to swap it.

STATEMENT

אָמַר רַבִּי זְעִירָא: לֹא שָׁנוּ אֶלָּא דְּאָמַר "עָלַי", אֲבָל אָמַר "חֲרִי זוֹ" — בְּעֵינַן בָּעֵי לְמִיתְּבַהּ.

Rabbi Zeira said: They taught this leniency **only where he said, "It is incumbent upon me** to give a sela to tzedakah," **but if he said, "This** coin **is** tzedakah," **he must give it as is,** in its exact form, and may not swap it.

OBJECTION

מַתְקִיף לַהּ רָבָא: אַדְרַבָּה, אִיפְּכָא מִיסְתַּבְּרָא —

Rava strongly objected to this: On the contrary, the opposite makes more sense!

EXPLANATION

אָמַר "זוֹ" מִשְׁתַּמֵּשׁ בָּהּ, כִּי הֵיכִי דְּלִיחַיֵּיב בְּאַחֲרָיוּתָהּ, אֲבָל אָמַר "עָלַי" — לָא!

If he **said "This** coin," he should be allowed to **use it so that he becomes obligated in financial responsibility for it** if it gets lost; **whereas if he said "It is incumbent upon me,"** he is already responsible anyway, so why should he swap it? **No!**

RESOLUTION

אֶלָּא, לָא שָׁנָא.

Rather, there is no difference between the lashon of "this" and "upon me," and in both cases he may swap it.

PROOF

תַּנְיָא כְּוָותֵיהּ דְּרָבָא: נֶדֶר צְדָקָה, וְאֵין הֶקְדֵּשׁ צְדָקָה.

It is taught in a Baraita **in accordance with Rava: A vow is tzedakah, but hekdesh is not tzedakah.**

QUESTION

מַאי קָאָמַר? לָא נֶדֶר וְלָא הֶקְדֵּשׁ צְדָקָה!

The Gemara asks: **What is it saying? Neither a vow nor hekdesh is tzedakah!** They are completely separate categories!

ANSWER

אֶלָּא לָאו הָכִי קָאָמַר: צְדָקָה הֲרֵי הִיא בְּבַל תְּאַחֵר, וְאֵינָהּ כְּהֶקְדֵּשׁ, דְּאִילּוּ הֶקְדֵּשׁ אָסִיר לְאִשְׁתַּמּוֹשֵׁי בֵּיהּ, וְאִילּוּ צְדָקָה שְׁרֵי לְאִשְׁתַּמּוֹשֵׁי בֵּיהּ.

Rather, is it not this is what it is saying: Tzedakah is like a vow regarding the prohibition of **do not delay** paying it; **and it is not like hekdesh, for whereas hekdesh is forbidden to be used, tzedakah is permitted to be used** and swapped before reaching the collector.

STATEMENT

אָמַר רַב כָּהֲנָא: אֲמָרִיתָא לִשְׁמַעְתָּא קַמֵּיהּ דְּרַב זְבִיד מִנְּהַרְדְּעָא, אָמַר: אַתּוּן הָכִי מַתְנִיתוּ לַהּ, אֲנַן הָכִי מַתְנֵינַן לַהּ —

Rav Kahana said: I said this teaching before Rav Zevid of Nehardea, and he said: You learn it this way, but we learn it this way as a direct statement:

STATEMENT

אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ אָמַר רַב: הָאוֹמֵר "סֶלַע זוֹ לִצְדָקָה" מוּתָּר לְשַׁנּוֹתָהּ, בֵּין לְעַצְמוֹ בֵּין לְאַחֵר, בֵּין אָמַר "עָלַי" בֵּין אָמַר "הֲרֵי זוֹ".

Rav Nachman said that **Rabbah bar Avahu said** that **Rav said: One who says, "This sela coin is for tzedakah," it is permitted to exchange it, whether for himself or whether for another person, whether he said "It is incumbent upon me" or whether he said "This coin is."**

BRAISA

תָּנוּ רַבָּנַן: "סֶלַע זוֹ לִצְדָקָה" — עַד שֶׁלֹּא בָּאתָה לְיַד גַּבַּאי, מוּתָּר לְשַׁנּוֹתָהּ; מִשֶּׁבָּאתָה לְיַד גַּבַּאי, אָסוּר לְשַׁנּוֹתָהּ.

The Rabbis taught: If one says, **"This sela is for tzedakah," before it comes into the hand of the collector, it is permitted to exchange it; once it comes into the hand of the collector, it is forbidden to exchange it.**

QUESTION

אִינִי? וְהָא רַבִּי יַנַּאי יָזֵיף וּפָרַע!

The Gemara asks: **Is that so?** Is a charity collector really forbidden to borrow from the tzedakah funds? **But didn't Rabbi Yannai** himself, who was a gabbai tzedakah, **borrow** from the charity money **and** later **repay** it?

ANSWER

שָׁאנֵי רַבִּי יַנַּאי, דְּנִיחָא לְהוּ לַעֲנִיִּים דְּכַמָּה דְּמִשַּׁהֵי מְעַשֵּׁה וּמַיְיתֵי לְהוּ.

The Gemara answers: **Rabbi Yannai is different, because it is pleasing to the poor** for him to do this; **for as long as he delays taking action** to press donors by keeping the tzedakah chest empty, people are moved to give more, **and** in the end **he brings them** even more money.

BRAISA

תָּנוּ רַבָּנַן: יִשְׂרָאֵל שֶׁהִתְנַדֵּב מְנוֹרָה אוֹ נֵר לְבֵית הַכְּנֶסֶת — אָסוּר לְשַׁנּוֹתָהּ.

The Rabbis taught in a Braisa: If **a Jew donated a candelabra or a lamp to a shul, it is forbidden to change its** designated **use** for something else.

STATEMENT

סָבַר רַבִּי חִיָּיא בַּר אַבָּא לְמֵימַר: לָא שְׁנָא לִדְבַר הָרְשׁוּת וְלָא שְׁנָא לִדְבַר מִצְוָה.

Rabbi Chiyya bar Abba thought to say that this prohibition means **it makes no difference** if one wants to convert it **for an optional matter, and it makes no difference for a mitzvah matter**—either way it is forbidden.

STATEMENT

אֲמַר לֵיהּ רַב אַמִּי: הָכִי אָמַר רַבִּי יוֹחָנָן — לֹא שָׁנוּ אֶלָּא לִדְבַר הָרְשׁוּת, אֲבָל לִדְבַר מִצְוָה מוּתָּר לְשַׁנּוֹתָהּ.

Rav Ami said to him: Thus said Rabbi Yochanan: They taught this prohibition **only for an optional matter, but for a mitzvah matter, it is permitted to change its** use.

PROOF

מִדְּאָמַר רַבִּי אַסִּי אָמַר רַבִּי יוֹחָנָן: גּוֹי שֶׁהִתְנַדֵּב מְנוֹרָה אוֹ נֵר לְבֵית הַכְּנֶסֶת, עַד שֶׁלֹּא נִשְׁתַּכַּח שֵׁם בְּעָלֶיהָ — אָסוּר לְשַׁנּוֹתָהּ, מִשֶּׁנִּשְׁתַּכַּח שֵׁם בְּעָלֶיהָ — מוּתָּר לְשַׁנּוֹתָהּ.

The Gemara proves this: **From that which Rabbi Assi said** in the name of **Rabbi Yochanan:** If **a non-Jew donated a candelabra or a lamp to a shul, as long as the name of its owner has not been forgotten, it is forbidden to change its** use; but **once the name of its owner has been forgotten, it is permitted to change its** use.

EXPLANATION

לְמַאי? אִילֵימָא לִדְבַר הָרְשׁוּת, מַאי אִירְיָא גּוֹי? אֲפִילּוּ יִשְׂרָאֵל נָמֵי!

The Gemara clarifies: **For what** purpose is it forbidden to change it before his name is forgotten? **If we say** it means **for an optional matter, why specifically** speak of **a non-Jew? Even** regarding a donation from **a Jew** it is **also** forbidden to change it for an optional purpose!

EXPLANATION

אֶלָּא לִדְבַר מִצְוָה, וְטַעְמָא דְּגוֹי הוּא דְּפָעֵי, אֲבָל יִשְׂרָאֵל דְּלָא פָּעֵי — שַׁפִּיר דָּמֵי.

Rather, it must mean **for a mitzvah matter. And the reason** it is forbidden **by a non-Jew is because he will scream** and complain that his gift was repurposed; **but** by **a Jew, who will not scream** since he is happy it goes to a mitzvah, **it is well and good** to change it even before his name is forgotten.

STATEMENT

שַׁעֲזַרְק טַיָּיעָא אִינַּדַּב שְׁרָגָא לְבֵי כְּנִישְׁתָּא דְּרַב יְהוּדָה, שַׁנְּיֵיהּ רַחֲבָא וְאִיקְּפַד רָבָא.

The Gemara relates an incident: **Shaazrak the Arab merchant donated a lamp to the shul of Rav Yehudah. Rachava changed its** use for another mitzvah, **and Rava became angry** at him.

STATEMENT

אִיכָּא דְּאָמְרִי: שַׁנְּיֵיהּ רָבָא וְאִיקְּפַד רַחֲבָא,

Some say: Rava changed its use, **and Rachava became angry** at Rava.

STATEMENT

וְאִיכָּא דְּאָמְרִי: שַׁנְּיֵיהּ חַזָּנֵי דְּפוּמְבְּדִיתָא, וְאִיקְּפַד רַחֲבָא וְאִיקְּפַד רַבָּה.

And some say: The Gabbaim of Pumbedisa changed its use, **and Rachava became angry, and Rabbah** also **became angry** at them.

EXPLANATION

מַאן דְּשַׁנְּיֵיהּ סָבַר דְּלָא שְׁכִיחַ, וּמַאן דְּאִיקְּפַד סָבַר זְמִנִין דְּמִקְּרֵי וְאָתֵי.

The Gemara explains the dispute: **The one who changed its** use **held that** this Arab merchant **is not frequently** in town, so his name is as good as forgotten; **and the one who became angry held that sometimes it happens that he comes** to town, and he will see and get upset.

מִשְׁנָה MISHNAH

MISHNAH

מַתְנִי׳ הַגּוֹסֵס וְהַיּוֹצֵא לֵיהָרֵג — לֹא נִידַּר וְלֹא נֶעֱרָךְ.

MISHNAH: One who is a goses (a dying person) **or one who is taken out to be executed** by Beis Din—**he cannot be pledged by a vow** of market value, **and he cannot be subject to a valuation** (arachin).

MISHNAH

רַבִּי חֲנִינָא בֶּן עֲקַבְיָא אוֹמֵר: נֶעֱרָךְ, מִפְּנֵי שֶׁדָּמָיו קְצוּבִין.

Rabbi Chanina ben Akavya says: He can be subject to a valuation, because his value is fixed by the Torah according to his age and gender, regardless of his physical state.

MISHNAH

רַבִּי יוֹסֵי אוֹמֵר: נוֹדֵר וּמַעֲרִיךְ וּמַקְדִּישׁ, וְאִם הִזִּיק — חַיָּיב.

Rabbi Yosei says: A person in such a state **can pledge a vow** of another's market value, **and can evaluate** another, **and can consecrate** his property to hekdesh; **and if he caused damage, he is liable** to pay.

גְּמָרָא GEMARA

QUESTION

גְּמָ׳ בְּשֶׁלָּמָא גּוֹסֵס לֹא נִידַּר — דְּלָאו בַּר דָּמִים הוּא,

GEMARA: Granted, as for **a goses, he cannot be pledged by a vow** of market value—**because he is not subject to a market value,** as no person would buy a dying man;

QUESTION

וְלֹא נֶעֱרָךְ — דְּלָאו בַּר הַעֲמָדָה וְהַעֲרָכָה הוּא,

and granted **he cannot be subject to a valuation—because he is not capable of standing and being valued,**

QUESTION

אֶלָּא יוֹצֵא לֵיהָרֵג, בִּשְׁלָמָא לֹא נִידַּר — דְּלָאו בַּר דָּמִים הוּא,

rather, one who is taken out to be executed: Granted, he cannot be pledged by a vow—because he is not subject to a market value, as he is doomed to die;

QUESTION

אֶלָּא לֹא נֶעֱרָךְ אַמַּאי לָא?

but as for saying **he cannot be subject to a valuation, why not?** After all, he can stand, and arachin do not depend on market worth!

ANSWER

דְּתַנְיָא: מִנַּיִן הַיּוֹצֵא לֵיהָרֵג וְאָמַר "עֲרָכִי עָלַי", שֶׁלֹּא אָמַר כְּלוּם? תַּלְמוּד לוֹמַר: "כָּל חֵרֶם לֹא יִפָּדֶה".

The Gemara answers: **As it was taught** in a Braisa: **From where** do we know regarding **one who is taken out to be executed and said, "My valuation is upon me," that he has said nothing** valid and it is not collected from his estate? **The verse states: "Any condemned person** (cherem) **shall not be redeemed"** (Vayikra 27:29)—meaning he cannot be redeemed through paying a valuation.

BRAISA

יָכוֹל אֲפִילּוּ קוֹדֶם שֶׁנִּגְמַר דִּינוֹ? תַּלְמוּד לוֹמַר: "מִן הָאָדָם", וְלֹא כָּל הָאָדָם.

I might have thought this applies **even before his verdict was finalized? The verse states: "From among men"—and not all men,** excluding only someone whose sentence has already been finalized.

QUESTION

וּלְרַבִּי חֲנִינָא בֶּן עֲקַבְיָא, דְּאָמַר נֶעֱרָךְ מִפְּנֵי שֶׁדָּמָיו קְצוּבִין, הַאי "כָּל חֵרֶם" מַאי עָבֵיד לֵיהּ?

The Gemara asks: **And according to Rabbi Chanina ben Akavya, who said he can be subject to a valuation because his value is fixed, this** verse of **"Any condemned person"—what does he do with it?**

ANSWER

לְכִדְתַנְיָא, רַבִּי יִשְׁמָעֵאל בְּנוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן בְּרוֹקָה אוֹמֵר: לְפִי שֶׁמָּצִינוּ לַמּוּמָתִים בִּידֵי שָׁמַיִם שֶׁנּוֹתְנִין מָמוֹן וּמִתְכַּפֵּר לָהֶם, שֶׁנֶּאֱמַר "אִם כֹּפֶר יוּשַׁת עָלָיו", יָכוֹל אַף בִּידֵי אָדָם כֵּן? תַּלְמוּד לוֹמַר "כָּל חֵרֶם לֹא יִפָּדֶה".

The Gemara answers: He uses it **for that which was taught** in a Braisa: **Rabbi Yishmael the son of Rabbi Yochanan ben Beroka says: Since we found regarding those liable to death at the hands of Heaven that they can give money and receive atonement, as it is stated** regarding an ox that killed a person: **"If a ransom be laid upon him," I might have thought that even for those liable to death at the hands of man, it should be so,** that he can pay money to avoid execution? Therefore **the verse states: "Any condemned person shall not be redeemed."**

BRAISA

אֵין לִי אֶלָּא מִיתוֹת חֲמוּרוֹת, שֶׁלֹּא נִיתְּנָה שִׁגְגָתָן לְכַפָּרָה, מִיתוֹת קַלּוֹת, שֶׁנִּיתְּנָה שִׁגְגָתָן לְכַפָּרָה, מִנַּיִן? תַּלְמוּד לוֹמַר: "כָּל חֵרֶם".

The Braisa continues: **I would only have derived severe death penalties, whose unwitting violations are not granted atonement** through a sin-offering (such as blasphemy); **from where do I know lighter death penalties, whose unwitting violations are granted atonement** through a sin-offering (such as Shabbos)? **The verse states: "Any condemned person"** to include all executions.

מִשְׁנָה MISHNAH

MISHNAH

רַבִּי יוֹסֵי אוֹמֵר: נוֹדֵר וּמַעֲרִיךְ כּוּ׳.

We learned in the Mishnah that **Rabbi Yosei says: He can vow, and evaluate, etc.**

גְּמָרָא GEMARA

QUESTION

וְתַנָּא קַמָּא מִי קָאָמַר דְּלָא?

The Gemara asks: **And did the Tanna Kamma actually say that he cannot** vow, evaluate, or consecrate?

EXPLANATION

אֶלָּא, בְּנוֹדֵר וּמַעֲרִיךְ וּמְקַדִּישׁ — כּוּלֵּי עָלְמָא לָא פְּלִיגִי, כִּי פְּלִיגִי — בְּאִם הִזִּיק.

Rather, this is how to understand it: **Regarding one who vows, evaluates, or consecrates, everyone agrees** that his words are valid. **Where do they differ? Regarding if he caused damage.**

EXPLANATION

תַּנָּא קַמָּא סָבַר: אִם הִזִּיק — אֵינוֹ חַיָּיב בְּתַשְׁלוּמִין, וְרַבִּי יוֹסֵי סָבַר: אִם הִזִּיק — חַיָּיב בְּתַשְׁלוּמִין.

The Tanna Kamma holds: If he caused damage, he is not liable to pay compensation from his estate after execution; **and Rabbi Yosei holds: If he caused damage, he is liable to pay** compensation from his estate.

QUESTION

בְּמַאי קָמִיפַּלְגִי?

The Gemara asks: **In what principle do they dispute?**

ANSWER

אָמַר רַב יוֹסֵף: בְּמִלְוָה עַל פֶּה גּוֹבֶה מִן הַיּוֹרְשִׁין קָמִיפַּלְגִי,

Rav Yosef said: They dispute in the question of whether an **oral loan can be collected from the heirs.**

EXPLANATION

תַּנָּא קַמָּא סָבַר: מִלְוָה עַל פֶּה אֵינוֹ גּוֹבֶה מִן הַיּוֹרְשִׁין, וְרַבִּי יוֹסֵי סָבַר: מִלְוָה עַל פֶּה גּוֹבֶה מִן הַיּוֹרְשִׁין.

The Tanna Kamma holds: An oral loan cannot be collected from the heirs, and tort obligations are treated like an oral loan; **and Rabbi Yosei holds: An oral loan can be collected from the heirs.**

ANSWER

רָבָא אָמַר: דְּכוּלֵּי עָלְמָא מִלְוָה עַל פֶּה אֵינוֹ גּוֹבֶה מִן הַיּוֹרְשִׁין, וְהָכָא בְּמִלְוָה כְּתוּבָה בַּתּוֹרָה קָמִיפַּלְגִי,

Rava said: Everyone agrees that an oral loan cannot be collected from the heirs, and here they dispute regarding a debt written in the Torah (a statutory liability like damages):

EXPLANATION

תַּנָּא קַמָּא סָבַר: מִלְוָה כְּתוּבָה בַּתּוֹרָה לָאו כִּכְתוּבָה בִּשְׁטָר דָּמְיָא, וְרַבִּי יוֹסֵי סָבַר: כִּכְתוּבָה בִּשְׁטָר דָּמְיָא.

The Tanna Kamma holds: A debt written in the Torah is not considered like one written in a deed, so it cannot be collected from heirs; **and Rabbi Yosei holds: It is considered like one written in a deed,** so it can be collected from the heirs.

STATEMENT

וְאִיכָּא דְּמַתְנֵי לַהּ אַהָא: הַיּוֹצֵא לֵיהָרֵג, הוּא שֶׁחָבַל בַּאֲחֵרִים — חַיָּיב, אֲחֵרִים שֶׁחָבְלוּ בּוֹ — פְּטוּרִין.

And some teach this dispute of Rav Yosef and Rava **on this** Braisa: If **one who is taken out to be executed injured others, he is liable; but if others injured him, they are exempt** from paying him.

BRAISA

רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: אַף הוּא אִם חָבַל בַּאֲחֵרִים — פָּטוּר, שֶׁלֹּא נִיתַּן לַחֲזָרַת עֲמִידַת בֵּית דִּין.

Rabbi Shimon ben Elazar says: Even he, if he injured others, is exempt, because he will not be brought back to stand trial in Beis Din, as he is already condemned to death.

SUMMARY

The Gemara resolves an apparent contradiction regarding donations from a non-Jew for the Beis Hamikdash: during the initial building, nothing is accepted so non-Jews have no share in establishing it, whereas after it is built, non-recognizable donations are accepted, though recognizable items are rejected so they do not take pride in a visible part of the Mikdash. An exception is made for government donations, as a king does not back down or boast over minor gifts. Next, the Gemara explains that if a non-Jew separates terumah or donates a beam for a shul, we clarify his intention; if vague, it requires genizah out of concern that he intended it for Heaven. Finally, the Gemara details how tzedakah differs from hekdesh: designated tzedakah money may be swapped and used prior to reaching the gabbai tzedakah, whereas hekdesh remains strictly forbidden to use.

לְמַעֲשֶׂה WHAT TO TAKE HOME

The Gemara is bothered by a basic contradiction: one Baraita says we don’t accept a non-Jew's donation for the Beis HaMikdash, while another says we do. The teretz of Rabbi Yochanan is beautiful: at the beginning of the building, we don't accept even water or salt from them, so they shouldn't have a share in establishing the Mikdash. But once it's already built, we accept gifts that aren't distinct or recognizable.

There is a deeply moving yesod here for our own daily avodah. When you build something holy, a Torah home, a chavrusa, a new habit in yiras Shamayim, a davening with real kavanah, the foundation must be completely pure. At the start, at the moment of creation, you cannot let outside influences, compromises, or cheap shortcuts creep in. To build a true Mikdash in your life, the ground it rests on must be 100 percent for the sake of Heaven, built entirely on kedushah.

Once the foundation is solid and the structure stands strong, you have the strength to handle outside elements and engage with the world without losing your identity. But never skip the foundation stage. When you start a new seder or build a mesorah for your family, keep out the noise and keep it purely kadosh.

Today, take one new kabbalah or holy project you are starting and protect its foundation. Make sure the very first step is done with complete purity of intention, totally free from outside compromises or half-measures.