

תנא: הוקפלו רוב המקצועות – מותרות משום גזל ופטורות מן המעשרות.

רבי ירבי יוסי בר רבי יהודה איקלעו לההוא אתרא בזמן שהוקפלו רוב המקצועות, רבי יהודה קא אכיל, רבי יוסי בר רבי יהודה לא אכיל. אתא מרהון, אמר להו: אמאי לא אכלי רבנן? הוקפלו רוב המקצועות הוא! ואף על פי כן לא אכיל רבי יוסי בר רבי יהודה, קסבר: משום סניית מילתא הוא דקאמר הדין גברא.

רבי חמא בר רבי חנינא איקלע לההוא אתרא בזמן שהוקפלו רוב המקצועות, היה קאכיל, יהיב לשמעיה – לא אכיל. אמר ליה: אכול, כך אמר לי רבי ישמעאל בר רבי יוסי משום אביו: הוקפלו רוב המקצועות – מותרות משום גזל ופטורות מן המעשר.

רבי טרפון אשכחיה ההוא גברא בזמן שהוקפלו המקצועות, דקאכיל. אחתייה בשקא, ושקליה ואמטייה למשייה בנהרא. אמר לו: אוי לו לטרפון שזה הורגו! שמע ההוא גברא שבקיה וערק. אמר רבי אבהו משום רבי חנניה בן גמליאל: כל ימיו של אותו צדיק היה מצטער על דבר זה, אמר: אוי לי שנשתמשתי בכתרה של תורה.

ואמר רבה בר בר חנה אמר רבי יוחנן: כל המשתמש בכתרה של תורה – נעקר מן העולם. קל וחומר, ומה בלשצר שנשתמש בכלי קודש שנעשו בלי חול, שנאמר "ובאו בה פריצים וחיללוה". כיון שפרצו נעשו חול – נעקר מן העולם, דכתיב "בה בלילאי קטיל בלשצר". המשתמש בכתרה של תורה שהוא חי וקיים לעולם – על אחת כמה וכמה.

The Sages taught: If most of the knives have been set aside, the figs left in the field are permitted with regard to the laws of stealing and are exempt from tithes, since their owners presumably do not want them and the figs are therefore considered ownerless property.

The Gemara relates: Rabbi Yehuda HaNasi and Rabbi Yosei bar Rabbi Yehuda arrived at a certain place at a time when most of the knives had been set aside. Rabbi Yehuda HaNasi ate the figs left in the field, but Rabbi Yosei bar Rabbi Yehuda did not eat. The owner of the field came and said to them: Why are the Sages not eating? It is now the period when most of the knives have been set aside. The Gemara notes: But nevertheless, Rabbi Yosei bar Rabbi Yehuda did not eat, since he thought that it was only due to embarrassment over the matter^N that that man said his comment, but he did not really mean to declare his figs ownerless.

The Gemara relates another incident: Rabbi Hama bar Rabbi Hanina arrived at a certain place at a time when most of the knives had been set aside. He ate from the figs that were left in the field, but when he gave some to his attendant the latter did not eat. Rabbi Hama said to him: Eat, as Rabbi Yishmael bar Rabbi Yosei said to me the following ruling in the name of his father: If most of the knives have been set aside, the figs are permitted with regard to the laws of stealing and are exempt from the tithe.

The Gemara relates another incident: A certain man found Rabbi Tarfon^P eating figs from his field at the time when most of the knives had been set aside. He placed Rabbi Tarfon in a sack, lifted him up, and carried him to throw him into the river. Rabbi Tarfon said to him: Woe to Tarfon, for this man is killing him. When that man heard that he was carrying the great Rabbi Tarfon, he left him and fled. Rabbi Abbahu said in the name of Rabbi Hananya ben Gamliel: All the days of that righteous man, Rabbi Tarfon, he was distressed over this matter, saying: Woe is me, for I made use of the crown of Torah, as Rabbi Tarfon was only released out of respect for his Torah learning.

And with regard to this statement, Rabba bar bar Hana said that Rabbi Yoḥanan said: Whoever makes use of the crown of Torah is uprooted from the world. This can be derived by means of an *a fortiori* inference: If Belshazzar, who made use of the sacred Temple vessels, which had already become non-sacred vessels by that time, as after their forcible removal from the Temple the vessels lost their sanctity, as it is stated in the verse: "And robbers shall enter into it, and profane it" (Ezekiel 7:22), showing that once the Temple vessels have been robbed they become non-sacred, was uprooted from the world for his actions, as it is written: "On that night Belshazzar the Chaldean king was killed" (Daniel 5:30); one who makes use of the crown of Torah, which lives and endures forever and whose sanctity cannot be removed, all the more so shall he be uprooted.

NOTES

Embarrassment over the matter – סניית מילתא – The Rosh explains that the man was embarrassed to tell the Sages they could not eat his figs and consequently said they were ownerless even though he did not actually want to allow them to be eaten. Others explain that this phrase means that the man spoke sarcastically, saying: Since you have already allowed yourselves to eat what is not yours, go ahead and continue eating.

PERSONALITIES

Rabbi Tarfon – רבי טרפון: Rabbi Tarfon was one of the prominent *tanna'im* in the generation following the destruction of the Second Temple. Rabbi Tarfon was a priest, and although the Temple was destroyed when he was still fairly young, it seems that he served as a priest in the Temple before its destruction. Rabbi Tarfon lived in the town of Lod. He was a contemporary of the students of Rabban Yoḥanan ben Zakkai, and may have even studied under him. He was on close terms with Rabbi Eliezer and Rabbi Yehoshua, with the latter calling him:

Tarfon, my brother (*Yadayim* 4:3). He was often in the great academy of Yavne, engaged in legal debates with important Sages, including Rabbi Akiva, whom Rabbi Tarfon honored and greatly esteemed. Rabbi Tarfon originally served as a mentor to Rabbi Akiva, and when Rabbi Akiva grew in stature they became colleagues. Several of the prominent Sages of the next generation were Rabbi Tarfon's students, including Rabbi Yehuda, who began studying under Rabbi Tarfon from his youth.

A very wealthy man, Rabbi Tarfon dedicated a large proportion of his wealth to charity and the performance of various acts of kindness. Much is told about his pious deeds, especially the great care he took to observe the mitzva of honoring his mother. He is also known for his aphorisms and incisive wit. Rabbi Tarfon's sister's children studied under Rabbi Yehuda HaNasi, who also personally supervised the education of Rabbi Tarfon's grandson (see *Bava Metzia* 85a).

HALAKHA

Rather, learn out of love – אֵלֶּיךָ לְמַד מֵאַהֲבָה – One should not study Torah for the sake of a reward, whether that reward is in this world, e.g., in order to attain wealth or honor, or in the World-to-Come. Rather, one should study Torah out of the love of God. Similarly, one should perform all mitzvot purely for the love of God (Rambam *Sefer HaMadda, Hilkhot Teshuva* 10:4).

Do not make them a crown, etc. – אַל תַּעֲשֶׂם עֲטֵרָה וכו' – One should not use his Torah study as a means for self-aggrandizement or as a means of attaining wealth (Rambam *Sefer HaMadda, Hilkhot Talmud Torah* 3:10).

BACKGROUND

Dolabra [*kordom*] – קוֹרְדוֹם: Although no accurate description of the *kordom* is available, various statements involving a *kordom* indicate that it was similar to the Roman dolabra, a tool that served various purposes, including chopping wood (see Jeremiah 46:22) as well as digging, as a type of pickaxe. Produce was generally reaped with a sickle, but if the aim was to uproot it entirely, it was easier to use a *kordom*.



Roman dolabras

וְרַבִּי טַרְפוֹן, בֵּין דְּכִי אָכַיל דְּהוּקְפְלוּ רֹב הַמְקַצְעוֹת הָהוּ, אֲמַאי צְעָרִיה הָהוּא גְבָרָא? מִשּׁוּם דְּהָהוּא הוּוּ גָנְבִי לִיה עֲנְבִי כוּלָּה שְׁתָּא, וְכִיּוֹן דְּאִשְׁכַּחִיה לְרַבִּי טַרְפוֹן, סָבַר: הֲיִינוּ דְגָנְבִין, אִי הָכִי אֲמַאי צִיעַר נַפְשִׁיה? מִשּׁוּם דְּרַבִּי טַרְפוֹן עֲשִׂיר גְּדוּל הָהוּ, וְהָהוּ לִיה לְפִיִּסוּ בְּדָמִים.

תַּנִּיא: "לְאַהֲבָה אֶת ה' אֱלֹהֶיךָ לְשִׂמּוֹעַ בְּקִלּוֹ וּלְדַבָּקָה בּו" שְׁלֵא יֵאמֶר אָדָם: אֶקְרָא שִׁיקְרָאוֹנִי חֲכָם, אֲשַׁנֵּה שִׁיקְרָאוֹנִי רַבִּי אֲשַׁנֵּן שְׂאֵהִיה זְקוֹן וְאִשְׁבַּב בִּישִׁיבָה.

אַלֵּא לְמַד מֵאַהֲבָה, וְסוּף הַכְּבוֹד לָבֵא, שְׁנַאֲמַר "קִשְׁרָם עַל אֲצַבְעֶיךָ כְּתִיבִים עַל לִוַח לִבְךָ". וְאֹמֵר "דְּרַכִּיה דְּרַבִּי נוֹעַם". וְאֹמֵר "עֵץ תִּיִּם הִיא לְמַחְזִיקִים בָּהּ וְתַמְכִּיה מֵאֲשֵׁר".

רַבִּי אֱלִיעֶזֶר בַּר רַבִּי צְדוֹק אָמַר: עֲשֵׂה דְבָרִים לְשֵׁם פְּעֻלָּם, וְדַבֵּר בְּהֵם לְשִׁמָּם, אַל תַּעֲשֶׂם עֲטֵרָה לְהַתְגַּדֵּל בְּהֵם, וְאַל תַּעֲשֶׂם קוֹרְדוֹם לְהִיּוֹת עוֹדֵר בּו. וְקַל וְחוֹמֵר, וּמַה בְּלִשְׁצַר שְׁלֵא נִשְׁתַּמֵּשׁ אֵלֶּיךָ בְּכָלִי קִדְּשׁ שְׁנַעֲשׂוּ בְלִי חוּל – נַעֲקֹר מִן הָעוֹלָם, הַמְשַׁתְּמֵשׁ בְּכַתְרָה שֶׁל תּוֹרָה – עַל אַחַת כַּמָּה וְכַמָּה.

אָמַר רַבָּא: שְׂרִי לִיה לְאִינִישׁ לְאוֹדוּעִי נַפְשִׁיה, בְּאַתְרָא דְּלֹא יָדְעִי לִיה, דְּכַתִּיב "וְעַבְדְּךָ יִרָא אֶת ה' מִנְעוּרָיו". אֵלֶּיךָ קִשְׁיָא דְּרַבִּי טַרְפוֹן! עֲשִׂיר גְּדוּל הָהוּ, וְהָהוּ לִיה לְפִיִּסָּה בְּדָמִים.

The Gemara returns to the incident involving Rabbi Tarfon. And in the case of Rabbi Tarfon, since he was eating during the time when most of the knives had been set aside, why did that man trouble him? The Gemara explains: It was because someone had been stealing grapes from that man all year, and when he found Rabbi Tarfon he thought: This is the one who stole from me the entire year. The Gemara asks: If so, why did Rabbi Tarfon berate himself? Clearly he was justified in saving himself. The Gemara answers: Since Rabbi Tarfon was very wealthy, he should have sought to appease him with money in order to save himself, rather than relying on his status as a Torah scholar.

Apropos the story of Rabbi Tarfon's regret for gaining personal benefit from his status as a Torah scholar, the Gemara cites similar teachings. It is taught in a *baraita*: The verse states: "To love the Lord your God, to listen to His voice, and to cleave to Him" (Deuteronomy 30:20). This verse indicates that a person should not say: I will read the written Torah so that they will call me a Sage; I will study Mishna so that they will call me Rabbi; I will review my studies so that I will be an Elder and will sit in the academy.

Rather, learn out of love,^h as the verse states: "To love the Lord your God." And the honor will eventually come of its own accord, as it is stated: "Bind them upon your fingers;ⁿ write them on the tablet of your heart" (Proverbs 7:3), and it states: "Its ways are ways of pleasantness, and all its paths are peace" (Proverbs 3:17), and it states: "It is a tree of life to those who grasp it; happy is everyone who holds it fast" (Proverbs 3:17). Consequently, one who studies in order to master Torah for its own sake, as reflected in the verse "bind them upon your fingers," will eventually merit pleasantness, peace, and happiness.

Rabbi Eliezer bar Rabbi Tzadok says: Do things for the sake of their performance,ⁿ not for any ulterior motive, and speak words of Torah for their own sake. Do not make them a crown^h with which to become glorified, and do not make them nor make them a dolabra [*kordom*]^b with which to hoe, i.e., do not use Torah study as a means of earning a livelihood. And this is an *a fortiori* inference: If Belshazzar, who made use only of sacred vessels that had become non-sacred vessels, was uprooted from the world, one who makes use of the crown of Torah, whose sanctity is permanent, all the more so shall he be uprooted from the world.

Rava said: In a time of need, it is permitted for a person to make himself known in a place where people do not know him.ⁿ The proof is from what Obadiah said to Elijah in order to identify himself, as it is written: "But I, your servant, have feared the Lord from my youth" (1 Kings 18:12). The Gemara asks: But this is difficult with regard to the story about Rabbi Tarfon, who was distraught because he revealed his identity to the man who placed him in the sack. The Gemara answers: The case of Rabbi Tarfon is different, as he was very wealthy, and therefore he should have sought to appease him with money.

NOTES

Bind them upon your fingers, etc. – קִשְׁרָם עַל אֲצַבְעֶיךָ וכו' – The Ran explains that binding the words of Torah refers to studying in order to become proficient in Torah for its own sake, rather than for personal benefit. It is explained further in the *Shita Mekubbetzet* that this verse refers to one who studies for the love of Torah, without the intention of displaying his learning to others, as though it were written upon his heart. The Maharsha explains that binding the Torah to one's fingers alludes to studying Torah in order to put one's learning into practice in his daily life.

For the sake of their performance – לְשֵׁם פְּעֻלָּם – Some commentaries explain that this means: For the sake of the one who commanded their performance, i.e., God (Commentary on *Nedarim*; Ran).

In a place where people do not know him – בְּאַתְרָא דְּלֹא יָדְעִי לִיה – The Rosh explains that this is permitted in order to prevent the local population from unwittingly violating the prohibition against treating a Torah scholar disrespectfully. Based on the context of this statement, the Meiri maintains that it is permitted only in extenuating circumstances.

רַבָּא רַמִּי: כְּתִיב "וְעַבְדְּךָ יִרְאֵה אֶת ה' מִנְעוּרָיו" וְכְתִיב "יְהַלֵּךְ זֶר וְלֹא פִיךָ" – הָא בְּאַתְרָא דִּידְעֵי לִיהּ, הָא בְּאַתְרָא דְלֹא יְדְעֵי לִיהּ.

אָמַר רַבָּא: שְׂרִי לִיהּ לְצוּרְבָא מְרַבְּנָן לְמִימְרָא: צוּרְבָא מְרַבְּנָן אָנְא, שְׂרִי לִי תִּגְרָאֵי בְּרִישָׁא, דְּכְתִיב "וּבְנֵי דָוִד כְּהֹנִים הָיוּ". מַה כְּהֵן נוֹטֵל בְּרִישָׁא – אִף תְּלָמִיד חָכָם נוֹטֵל בְּרִישָׁא, וְכֵן מְנָא לָן – דְּכְתִיב "וְקִדְשָׁתוּ בִּי אֶת לְהֵם (ה') אֱלֹהֶיךָ הוּא מְקַרֵּב". וְתַנָּא דְּבֵי רַבִּי יִשְׁמַעְלָא: "וְקִדְשָׁתוּ" – לְכָל דְּבַר שְׂבָקְדוּשָׁה.

Rava raises a contradiction: It is written that Obadiah spoke highly of himself: "But I, your servant, have feared the Lord from my youth." And it is written: "Let another praise you, and not your own mouth" (Proverbs 27:2). He answers: This verse is referring to a place where people know him, where he should not praise himself, whereas that verse is referring to a place where people do not know him.

Rava said further: It is permitted for a Torah scholar to say: I am a Torah scholar, so resolve my case first,^{HN} as it is written: "And the sons of David were priests" (II Samuel 8:18). The sons of David could not have been actual priests, as David was not a priest. Rather, the verse indicates that just as a priest takes his portion first, so too, a Torah scholar takes his portion first. And a priest, from where do we derive that he takes his portion first? As it is written: "And you shall sanctify him, for he offers the bread of your God" (Leviticus 21:8). And the school of Rabbi Yishmael taught: The phrase "and you shall sanctify him" applies with regard to every matter of sanctity:

NOTES

Resolve my case first – שְׂרִי לִי תִּגְרָאֵי בְּרִישָׁא: If several people request to be judged, their cases are typically dealt with in order, but a Torah scholar may request that his case take precedence. It is explained in the Commentary on *Nedarim* that this is due to the honor accorded to those who study Torah, whereas the Rosh maintains that it is due to the dereliction of the scholar's Torah study that would result from the delay.

HALAKHA

Resolve my case first – שְׂרִי לִי תִּגְרָאֵי בְּרִישָׁא: If a Torah scholar has a case to litigate with another individual, his case takes precedence over the other cases pending in court (Rambam *Sefer HaMadda, Hilkhot Talmud Torah* 6:10; *Shulhan Arukh, Yoreh De'a* 243:5).

Perek VIII
Daf 62 Amud b

לְפָתוּחַ רֵאשׁוֹן, וּלְבָרַךְ רֵאשׁוֹן, וְלִטּוֹל מְנַה יְפָה רֵאשׁוֹן.

To open the Torah reading first,^{HN} to recite a blessing first,^N and to take a fine portion first. When portions are distributed equally, a priest can choose his share first. The verse with regard to the sons of David proves that the same *halakha* applies to Torah scholars.

אָמַר רַבָּא: שְׂרִי לִיהּ לְצוּרְבָא מְרַבְּנָן לְמִימְרָא: לֹא יְהִיבְנָא אֶבְרָגָא, דְּכְתִיב "מְנַדָּה בְּלוּ וְהֵלֶךְ לֹא שְׁלִיט לְמִימְרָא עַל־יְהוֹן" וְאָמַר רַבִּי יְהוּדָה: "מְנַדָּה" – זֶה מִנַּת הַמֶּלֶךְ: "בְּלוּ" – זֶה כֶּסֶף גּוֹלְגֻלְתָּא: "וְהֵלֶךְ" – זֶה אֶרְנוֹנָא.

Furthermore, Rava said: It is permitted for a Torah scholar to say: I will not pay the head tax [*karga*],^{HL} as it is written that the king of Persia wrote to Ezra, with regard to the priests, the Levites, and others who worked in the Temple: "It shall not be lawful to impose *minda*, *belo*, and *halakh* upon them" (Ezra 7:24). And Rabbi Yehuda said: *Minda*; this is the king's portion.^B *Belo*; this is the money of the head tax.^B And *halakh*; this is *arnona*,^L a levy on people and their animals to perform physical labor in the service of the ruling authority. Since a Torah scholar is considered equivalent to a priest, as he is also dedicated to a sacred task, this exemption applies to him as well.

HALAKHA

To open first, etc. – לְפָתוּחַ רֵאשׁוֹן וכו': Every Jew must treat priests with great respect and grant them precedence in all matters of sanctity. They read from the Torah scroll first, recite blessings first, and are first to choose their preferred portion (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 4:2).

I will not pay the head tax – לֹא יְהִיבְנָא אֶבְרָגָא: Torah scholars are exempt from paying both the fixed tax imposed upon the city residents and the head tax imposed by the government upon all individuals regardless of their place of residence (Rambam *Sefer HaMadda, Hilkhot Talmud Torah* 6:10; *Shulhan Arukh, Yoreh De'a* 243:2 and *Hoshen Mishpat* 163:5).

LANGUAGE

Head tax [*karga*] – כְּרָגָא: From the Middle Persian *harg*, meaning duty or tribute.

Arnona – אֶרְנוֹנָא: Originally from the Latin *annona*, this refers to a levy of forced labor on behalf of the rulers for the purpose of public works or for the military. At times, work animals were confiscated for these purposes, either for a fixed period of time or indefinitely. The *arnona* was often enforced in order to sustain armies moving from place to place, who relied on the local population for food and care of their animals.

NOTES

To open first – לְפָתוּחַ רֵאשׁוֹן: According to most commentaries, this means that a priest is the first reader called to read publicly from the Torah. The Rosh, however, explains the phrase to mean that a priest has the right to speak first at any public gathering.

To recite a blessing first – לְבָרַךְ רֵאשׁוֹן: The Ran maintains that this refers to the Grace after Meals. In the Commentary on *Nedarim*, it is explained that this also refers to the blessing recited before eating bread. The Rosh holds that whenever a blessing must be recited by a group of people, a priest is honored with reciting the blessing.

BACKGROUND

The king's portion – מִנַּת הַמֶּלֶךְ: This tax was a sum given to the king as a gift at special times, or as his portion of the spoils of war. As this tax is rarely mentioned, it was probably collected infrequently and was not of great value.

The money of the head tax – כֶּסֶף גּוֹלְגֻלְתָּא: This tax was levied according to the number of people in the community. As is evident in the Talmud, the rulers were strict with regard to this tax; whoever failed to pay it became a slave in the service of the kingdom.

NOTES

It is permitted for a Torah scholar, etc. – שְׂרִי לִיָּה לְצוּרְבָא – מִרְבָּנֵי וכו': According to some commentaries, this *halakha* is mentioned specifically with regard to a scholar in order to teach us that even a Torah scholar may make such a statement, as it is not considered it a desecration of God's name (Rashba; Ran; Meiri). Others maintain that only a scholar is permitted to do so, as only he knows when and in what manner to say it so that it would not be considered a transgression. An ordinary person, however, may not make such a statement (Rosh; Rabbi Avraham min HaHar). Most authorities favor the second opinion.

All is according to the place of his vow – הַכֹּל לְפִי מְקוֹם נִדְרוֹ: Some commentaries maintain that this refers to the preceding clause in the mishna. Accordingly, the mishna states that an unspecified reference to the harvest refers to the wheat harvest in most places, but if he took his vow in a place where the principal harvest is of barley, he is assumed to have referred to the barley harvest (Rambam; Rabbi Natan bar Yosef). Others explain that this phrase pertains to the next phrase, and the mishna states that the time of the wheat harvest is determined based upon the particular location (Commentary on *Nedarim*; *Tosefot Rabbeinu Peretz*; Rabbi Avraham min HaHar). These two approaches are not mutually exclusive; some authorities rule in accordance with both (*Tosafot*; Ran).

BACKGROUND

Fire worship – נִדְרָא: One of the central features of the Persian religion, particularly during the Sasanian period, was the Temple of Fire. Fire in general was considered sacred, and the temple, where priests of different ranks and their many assistants officiated, was dedicated to the service of fire. A flame was continuously kept burning in the temple, and at times, it was required that all other fires in the country be extinguished in order to be rekindled from the fire in the temple. The fire priests were under the protection of the Persian king and were exempt from taxes.



Zoroastrian stone relief of fire worship dating from the first century

ואמר רבא: שְׂרִי לִיָּה לְצוּרְבָא מִרְבָּנֵי לְמִימַר "עֲבָדָא דְנִדְרָא אֲנָא לֹא יְהִיבְנָא אֲכַרְגָּא". מֵאֵי טַעְמָא – לְאַבְרוּחֵי אֲרִיא מִיָּנִיָּה קֹאמְר.

רב אשי הוה ליה ההוא אבא. וּבְנִיָּה לְבִי נִדְרָא. אָמַר לִיָּה רְבִינָא לְרַב אֲשִׁי: הָאִיכָא "לְפָנֵי עֵזֶר לֹא תִתֵּן מִבְּשׂוּלֵי!" אָמַר לִיָּה: רֹב יַעֲצִים לְהַפְסֵקָה נִתְּנָה.

מתני' "עד הקציר" – עד שזיתחיל העם לקצור קציר חטין, אבל לא קציר שעורין, הכל לפי מקום נדרו. אם היה בְּהָר – בְּהָר, וְאִם הָיָה בְּבִקְעָה – בְּבִקְעָה.

And Rava said further: It is permitted for a Torah scholarⁿ to say: I am a servant of the priests of fire worship^h and therefore I will not pay the head tax. Rava maintains that a scholar may issue a statement of this kind in a place where the priests of fire-worshippers are exempt from the head tax, because he actually is declaring himself a servant of God, who is referred to as "a devouring fire" (Deuteronomy 4:24). What is the reason that he is allowed to make this statement? He is saying it merely in order to chase a lion away from him, i.e., to avoid suffering a loss.

The Gemara relates that Rav Ashi had a particular forest, and he sold it for its wood to the temple of fire worship.^h Ravina said to Rav Ashi:^p Isn't there the prohibition: "You shall not put a stumbling block before the blind" (Leviticus 19:14), which prohibits assisting others in committing transgressions? And yet you are providing assistance to an idolatrous cult. He said to him: Most of the wood they use is for kindling, not for their ritual service. Consequently, I need not be concerned that the particular wood that I have sold them will be used for idolatry.

MISHNA If one takes a vow until the harvest,^h the vow remains in effect until people begin to harvest. This is referring to the wheat harvest but not the barley harvest. As for the exact date of this event, all is determined according to the place where he took his vow.^{nh} If he was on a mountain, it is assumed that he referred to the time of the harvest on the mountain, and if he was in a valley, it is assumed that he meant the time of the harvest in the valley.

HALAKHA

I am a servant of the priests of fire worship – עֲבָדָא דְנִדְרָא – אֲנָא: Although it is prohibited to declare that one is an idolater, it is permitted to issue an ambiguous statement that can be understood in this way. However, this is permitted only in a life-threatening situation, and one may not make such a statement merely in order to avoid paying customs and other taxes. The lenient ruling of the Gemara here applies only to a Torah scholar (*Shulhan Arukh, Yoreh De'a 157:2*, and in the comment of Rema; see *Shakh*).

of idolatry, e.g., wood, may be sold to idolaters. However, if the purchaser states that he is purchasing them for idolatry, it is forbidden to sell them to him (*Rambam Sefer HaMadda, Hilkhot Avoda Zara 9:6–7; Shulhan Arukh, Yoreh De'a 151:1*).

He sold it to the temple of fire worship – וּבְנִיָּה לְבִי נִדְרָא: It is prohibited to sell idolaters objects that are used specifically for idolatry. It is permitted to sell them in bulk, as it is then obvious that the gentile intends to sell them and not to use them himself. Objects that are not used specifically for the purpose

Until the harvest – עַד הַקְצִיר: If one takes a vow until the harvest, it is assumed that he means the wheat harvest, unless he is in a place where the barley harvest is the principal one (*Rambam Sefer Hafla'a, Hilkhot Nedarim 10:9; Shulhan Arukh, Yoreh De'a 220:14*).

All is according to the place of his vow – הַכֹּל לְפִי מְקוֹם – נִדְרוֹ: If one takes a vow until the harvest, the vow remains in effect until the arrival of the harvest in that particular location, regardless if it is early or late relative to other places (*Shulhan Arukh, Yoreh De'a 220:13*).

PERSONALITIES

Ravina and Rav Ashi – רְבִינָא וְרַב אֲשִׁי: Ravina I, from the sixth generation of Babylonian *amora'im*, studied in Sura as a disciple-colleague of Rav Ashi, with whom he co-edited what became the Babylonian Talmud. Ravina I died in 421 and Rav Ashi in 427.

and Sages that had taken place over a span of more than two hundred years since the compilation of the Mishna by Rabbi Yehuda HaNasi. The last of these editors and compilers was Ravina II, a nephew of Ravina I, who belonged to the eighth and final generation of *amora'im*. After his demise the Talmud was completed and, with the exception of relatively minor editing, became the basis for all further discussion and development of Jewish law.

During the early decades of the fifth century, Rav Ashi and Ravina I led a group of *amora'im* in the significant endeavor of compiling the Babylonian Talmud, i.e., collecting and editing the discussions, debates, and rulings of hundreds of scholars

Until the second rain of the rainy season – עד שְׁתֵּרַד רְבִיעָה שְׁנִיָּה: The vow applies until the second rainfall because the individual spoke of rains in the plural (Commentary on *Nedarim*). The Ran explains that since he did not specify which rains, it is assumed that he meant the middle rainfall, as the early part of the rainy season, known as the *yoreh*, comprises three rainfalls. According to the Meiri, he was assumed to have been referring to the heavy rain that typifies the second rainfall.

Until the time of the second rainfall arrives – עד שִׁיגִיעַ זְמַנָּה שֶׁל רְבִיעָה: Rabban Shimon ben Gamliel reasoned that although rain does not fall on a particular date, it is assumed that the vow was made with a predetermined date in mind (Ran).

Until the rain – עד הַגֶּשֶׁם: It is explained in the Commentary on *Nedarim* that since the vow mentioned rain in the singular, it refers to the first rainfall. According to the Rabbis, the reference is to the actual rainfall at that time, while Rabban Shimon ben Gamliel maintains that it refers to the time when the rainfall is expected. Other authorities claim that even the Rabbis agree that this refers to the time period rather than actual rainfall (*Tosafot*; Ra'avad; Rosh; Rashba; Ritva). The Ran agrees that this formulation refers to the time when the rain is expected rather than to actual rainfall, but argues that it refers to the second rainfall. The Rambam claims that the word rain refers either to the first actual rainfall or to the time when the third rainfall would be expected.

“עד הגשמים” – עד שִׁיְהוּ גֶשְׁמִים – עד שְׁתֵּרַד רְבִיעָה שְׁנִיָּה. רַבֵּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: עַד שִׁיגִיעַ זְמַנָּה שֶׁל רְבִיעָה. “עד שִׁיפְסְקוּ גֶשְׁמִים” – עַד שִׁיֵּצֵא נִסָּן כּוֹלֵו, דְּבָרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר: עַד שִׁיעָבוֹר הַפֶּסַח.

גמ' תנא: הנודר עד הקיץ בגליל, וירד למקום, אף על פי שהגיע הקיץ בעמקים – אסור עד שיגיע הקיץ בגליל.

“עד הגשמים” – עד שִׁיְהוּ גֶשְׁמִים – עד שְׁתֵּרַד רְבִיעָה שְׁנִיָּה. רַבֵּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: “וכו'. אמר רבי זירא: מחלוקת דאמר “עד הגשמים”. אבל אמר “עד הגשם” – עד זמן גשמים קאמר.

If one takes a vow **until the rains**, or **until there are rains**, the vow remains in effect **until the second rain** of the rainy season falls.ⁿ Rabban Shimon ben Gamliel says: **Until the time of the second rainfall arrives**,ⁿ even if rain does not fall. If one takes a vow **until the rains end**,^h the vow remains in effect **until the entire month of Nisan has ended**; this is the statement of Rabbi Meir. Rabbi Yehuda says: **Until Passover has passed**.

GEMARA It is taught in a *baraita*: With regard to one who vows **until the summer in the Galilee**^h and subsequently descends to the valleys, even if the summer season has already arrived in the valleys, the subject of his vow remains **forbidden to him until summer arrives in the Galilee**, in accordance with the mishna's ruling that the duration of a vow is in accordance with the place where it was made.

The mishna states that if one takes a vow **until the rains**, or **until there are rains**, he means **until the second rain** of the rainy season. Rabban Shimon ben Gamliel says: **Until the time of the second rainfall arrives**. The Gemara comments: **Rabbi Zeira said: The dispute is in a case where one said: Until the rains. However, if he says: Until the rain**,ⁿ everyone agrees that he is saying that the vow should remain in effect **until the time of the rains**, but not necessarily until the rain actually falls.

HALAKHA

Until the rains end – עד שִׁיפְסְקוּ גֶשְׁמִים: If one takes a vow until the rains end, the vow remains in effect until the conclusion of Passover, as *halakha* is ruled in accordance with the opinion of Rabbi Yehuda in his disputes with Rabbi Meir (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 10:11; *Shulḥan Arukh*, *Yoreh De'a* 220:19).

One who vows until the summer in the Galilee, etc. – הַנּוֹדֵר עַד – הַקִּיץ בְּגַלִּיל וְכוּ: A vow is interpreted based upon the place where it was taken, even if the individual subsequently went elsewhere. This applies regardless of whether the vow would have been interpreted more stringently or leniently in the next place the individual went (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 10:9–10; *Shulḥan Arukh*, *Yoreh De'a* 220:13).

Perek VIII

Daf 63 Amud a

מיתבי: איזוהי זמנה של רביעה? הפבירה – בשלשה, בינונית – בשבעה, אפילה בעשרים ושלושה, דברי רבי מאיר. רבי יהודה אומר: בשבעה, ובשבעה עשר, ובעשרים ושלושה.

The Gemara raises an objection against the statement by Rabbi Zeira from the following *baraita*: **When is the time of the rainfall?**⁸ **The early rainfall occurs on the third of the month of Marḥeshvan; the intermediate rainfall is on the seventh of the month, while the late rainfall is on the twenty-third of the month. This is the statement of Rabbi Meir. Rabbi Yehuda says: The respective dates are on the seventh, on the seventeenth, and on the twenty-third of Marḥeshvan.**

רבי יוסי אומר: בשבעה עשר, ובעשרים ושלושה, ובחודש כסליו. וכן היה רבי יוסי אומר: אין היחידים מתענין עד שיגיע ראש חודש כסליו.

Rabbi Yosei says: The first two time periods are **on the seventeenth and on the twenty-third** of Marḥeshvan, and the last period is **at the beginning of the month of Kislev. And so too, Rabbi Yosei would say: The learned individuals, who would start to fast due to a drought at an earlier time than the rest of the community, do not start to fast until the New Moon of Kislev arrives and no rain has fallen.**

BACKGROUND

Rainfall [*revia*] – רְבִיעָה: The word *revia* refers to rainfall in the first part of the rainy season, which is the winter in Eretz Yisrael. The Sages understood this term in a manner similar to the Hebrew term for mating, as in the verse: “You shall not let your cattle mate [*tarbia*] with a diverse kind” (Leviticus 19:19). This is because the rainfall causes the earth to grow vegetation, which is similar to birth, as in the verse: “When the rain and the snow fall from the heavens... to water the land, causing it to give birth and bloom” (Isaiah 55:10).

Not every rainfall is considered a *revia*; only a significant rainfall

has this status. Additionally, according to Rabban Shimon ben Gamliel, a very large rainfall may be considered more than one *revia*.

The time of the winter rainfall is dependent on the solar calendar and other factors, and therefore it does not occur at the same time every year according to the Jewish calendar. Nevertheless, the Sages disputed what date should be established as the average time for the rainfall. The main ramification of this pertains to the time when it is appropriate to begin praying for rain or fasting due to a drought.