



Daf In Review – Weekly Chazarah

Maseches Bava Basra, Daf 7 – Daf 7

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen,

A"H vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf 7---4-----

- The Gemara mentioned Hurdus, and now tells the story of Hurdus. Hurdus was a slave in the house of the Chashmona'im. He desired a certain girl of that royal family. One day he heard a Bas Kol that said "any slave that revolts now will be successful". He went and killed out all of the house of the Chashmona'im, and left that girl alive. When the girl heard that he intended to marry her, she ran to the roof and yelled out "whoever says that he comes from the Chashmona'im is a slave, because there is no one of the family left except for me, and I am now jumping off the roof to my death". Hurdus preserved her body in honey for 7 years. Some say he did so to be mezev with her body, and some say he did so, so that people say he married into royalty and can therefore become a king. He then thought to himself, the only ones who will oppose me as king by darshening the pasuk that says that only a Yid can be a king, and a slave cannot become a king, would be the Rabanim. He went and killed out all the Rabanim except for **Bava ben Buta**, so that he could act as an advisor to the king. To make sure that he not oppose him, he blinded him. One day Hurdus wanted to test **Bava's** loyalty. He went to him (making believe he was someone else) and said "Have you seen what that wicked slave is doing!?" **Bava** said, "What can I do?" Hurdus said, "you can curse him". **Bava** answered with a pasuk that says one should not curse a king even in his thoughts. Hurdus said, "but this person is not truly a king!?" **Bava** said, even if he is only a rich person, the pasuk says not to curse a rich person even in the secrecy of your bedroom, and even if he is only a nasi, the pasuk says "a nasi of your nation you should not curse". Hurdus said, that applies to a nasi who acts properly, but this person does not!? **Bava** said, I am afraid of him and will therefore not curse him. Hurdus said, it is only you and I here, so there is no one who will go back and tell him what you have done. **Bava** said, the pasuk says that the birds carry the sounds (meaning, there is no such thing as a secret conversation). Hurdus then revealed who he was, and said "had I known the Rabanim are so smart, I would not have killed them out! Now that I did, what can I do to fix that?" **Bava** told him, you extinguished the light of the world, you should now go and busy yourself to bring back light to the world, by rebuilding the Beis Hamikdash. Hurdus said "I am afraid to do so because of the Roman government". **Bava** told him, send a messenger to ask permission from Rome. However, have him travel for a year, stay in Rome for a year, and then travel back for a year. In these 3 years you should demolish the existing building and build a new Beis Hamikdash. Hurdus followed this advice and did so. When the messenger returned he said that he was instructed by Rome to tell him "if you have not yet demolished the old building, do not do so now; if you have already demolished it, do not build a new one; and if you already built a new one, you are like a wicked slave who asks permission after having already done something. If you are proud of what you have accomplished, we have your book of lineage here, which shows you are a slave".
 - It was said, whoever didn't see the Beis Hamikdash of Hurdus never saw a truly beautiful building. **Rabbah** said it was built with green and white marble. **Others** say it was blue, green, and white marble. He alternated the rows, placing one deeper and one protruding, which allowed him to cement them in place without the cement being seen on the outside. He wanted to cover it all in gold, but the **Rabanan** told him that it looked nicer without the gold, because it looked like waves in the ocean.
 - **Q:** How could **Bava** have advised Hurdus on how to do teshuva and escape punishment? We find that **R' Yehuda in the name of Rav** (or **R' Yehoshua ben Levi**) said that Daniel was punished because he told Nevuchadnetzar how to avoid punishment!? **A:** We can either say that Hurdus was different, because he was a slave of a Yid, and was therefore chayuv in mitzvos, or we can say that this was different, because this was the only way that we could have gotten the Beis Hamikdash built.
 - We find that Daniel was punished either by losing his high position in the government, or by being thrown into the lions' den.

HAKOL K'MINHAG HAMEDINAH

Daf In Review – Weekly Chazarah

- The word “hako” comes to include a place where the custom is to build a wall of palm branches or other branches. In such a place, such a wall would be acceptable.

LEFIKACH IHM NAFAL HAKOSEL...

- **Q:** This seems obvious!? **A:** This is needed to be taught for a case where the wall fell entirely into the reshuf of one of them, or where one of them moved all the stones into his property. We would think that the other person would become a “motzi meichaveiro alav haraya”. The Mishna teaches that he is not.

V’CHEIN B’GINA MAKOM SHENAHAGU...

- **Q:** The Mishna seems contradictory. It first says that in a garden if there is a custom to build a wall, it must be done, which suggests that without this custom he would not be obligated to do so. The next part of the Mishna then says, in a valley, if the custom is not to build a wall, we do not obligate him to do so. This suggests that absent this custom he *would* be obligated to build a wall!? If in a garden there is no automatic obligation, in a valley there should surely not be one (there is less need for privacy in the valley)!? **A: Abaye** said, the Mishna should be read as saying – “and similarly in a garden (without any custom to build a wall) and in a valley where the custom is to build a wall, they would be obligated to build a wall”.
 - **Q: Rava** asked, the Mishna uses the verbiage of “*but* in a valley...”. That doesn’t fit according to **Abaye’s** explanation!? **A: Rava** therefore said, the Mishna means to say as follows, “Similarly, a standard garden is considered like someplace where there is a custom to build a wall, and we would therefore obligate them to build one. However, a standard valley is considered to be like a place with a custom not to build a wall, and therefore we would not obligate them to build one”.

ELAH IHM RATZA KONEIS L’TOCH SHELO...

- **Q:** What is the sign or indication that he should make on the outside of the wall to show that it is his wall? **A: R’ Huna** said, he “bends” (makes wider) the top of the wall towards the outside.
 - **Q:** Why doesn’t he make it on the inside of the wall? **A:** Because the neighbor would then do the same thing on his side of the wall and claim that it belongs to both of them.
 - **Q:** When he makes it on the outside we should be concerned that the neighbor will cut off the widened piece at the top and claim that the wall belongs to both of them? **A:** Cutting it off makes it noticeable.
 - **Others** say that **R’ Huna** said he bends the top of the wall towards the inside.
 - **Q:** Why doesn’t he make it towards the outside? **A:** We are concerned that the neighbor will cut it off and claim that it belongs to both of them.
 - **Q:** Why aren’t we concerned that the neighbor will attach a piece on his side and claim that it belongs to both of them? **A:** It is noticeable if something is attached later on.
 - **Q:** The Mishna says the sign should be made on the “outside”!? This remains a kashyeh.
 - **R’ Yochanan** said, he only needs to put lime on an amah of the wall from the outside.
 - **Q:** Why doesn’t he make it on the inside of the wall? **A:** Because the neighbor would then do the same thing on his side of the wall and claim that it belongs to both of them.
 - **Q:** Why aren’t we concerned that the neighbor will peel off the lime on his side and claim that it belongs to both of them? **A:** It is noticeable if something is peeled off.
 - **Q:** If the wall is made of palm branches, what sign is made? **A: R’ Nachman** said, the ends of the branches should protrude on the outside of the wall.
 - **Q:** Why doesn’t he make it on the inside of the wall? **A:** Because the neighbor would then do the same thing on his side of the wall and claim that it belongs to both of them.
 - **Q:** When he makes it on the outside we should be concerned that the neighbor will cut off the ends and claim that the wall belongs to them both? **A:** He should coat the fence with mud, so that they can’t be taken out.
 - **Q:** Why aren’t we concerned that the neighbor will peel off the mud on his side and claim that it belongs to both of them? **A:** It is noticeable if something is peeled off.
 - **Abaye** said, the only effective sign for a fence like this is to have a document that shows ownership.

AVAL IHM ASU MIDAAS SHNEYHEM

Daf In Review – Weekly Chazarah

- **Q: Rava MiParzika** asked **R' Ashi**, why do both have to make a sign? Why can't we just have neither of them make a sign? **A: R' Ashi** said, the case is that one of them went ahead and made a sign. Therefore, the other person has to make a sign as well, to prevent the first person from claiming full ownership.
 - **Q: Is the Mishna** teaching us how to deal with cheaters? **A: R' Ashi** said, the earlier part of the Mishna (where the owner makes a sign) is also done to deal with cheaters.
 - **Q: Rava** said, the earlier case makes sense, because it taught a halacha (that a wall need not be built, and therefore if one wants a wall he must pay for it on his own), and therefore also taught how to make the sign. However, in the later case there is no new halacha taught, only how to deal with a cheater!? **A: Ravina** said, this last case is talking about a wall of willow branches. The Mishna is teaching that a sign can be made for such a wall, not like **Abaye** said, that the only option is to have a document.

MISHNA

- If a person's fields surround the fields of another person on 3 sides, and the owner of the outer fields fenced in the 3 sides (and the inner field is therefore gated in on 3 sides), we do not obligate the owner of the inner field to help pay for the fence. **R' Yose** says, if the owner fenced in the 4th side, we would then require him to share the expense of all the fences on the other 3 sides as well.

GEMARA

- **R' Yehuda in the name of Shmuel** said the halacha follows **R' Yose**, whether the owner of the inner fields fenced in the fourth side or it was the owner of the outer fields who fenced in the fourth side.
- **R' Huna** says that **R' Yose** requires the inner field owner to pay his percentage of the actual cost – even if the outer fields owner built an expensive fence. **Chiya bar Rav** said he must only pay based on the cost of cheap reeds.
 - **Q:** Our Mishna says that we do not make the inner field owner pay for the 3 surrounding fences. This suggests that we would make him pay for the 4th fence. However, the Mishna then brings **R' Yose**, who says that if the 4th fence is put up, he would have to pay for all the fencing. Now, according to **R' Huna**, we can say that the machlokes is that the **T"K** says we assess his share based on cheap reeds and **R' Yose** says we assess based on actual cost. However, according to **Chiya bar Rav** who says that even **R' Yose** only requires payment based on cheap reeds, in what way would the **T"K** argue? What less could he pay? **A:** We can say that the **T"K** holds he must only pay the value of a watchman (which is less than cheap reeds), whereas **R' Yose** says he would have to pay based on cheap reeds. **A2:** We can also say that the **T"K** says the inner field owner must only pay his share of the fourth wall, but not for the first three walls, whereas **R' Yose** says he must pay his share for all 4 walls. **A3:** We can also say that the **T"K** holds that if the inner field owner fences the 4th side, that is when we would make him pay his share of all the fences, but if the outer field owner enclosed the fourth side, the inner field owner would only have to pay for his share of the 4th wall. **R' Yose** holds that no matter who it is that encloses the fourth side, if it is enclosed, the inner field owner must pay his share of all the fences. **A4:** We can also say that the **T"K** holds that no matter who it is that encloses the fourth side, if it is enclosed, the inner field owner must pay his share of all the fences. **R' Yose** holds that only if the inner field owner enclosed the fourth side must he pay for his share of all the fences, because by him enclosing the fourth side it shows that he is happy that he is now fully enclosed. However, if the outer field owner enclosed the fourth side, the inner field owner would have to pay nothing at all, since he does not show that he wanted to be enclosed in any way.

-----Daf 7---5-----

- **Ravina's** fields surrounded Runya's fields on all 4 sides. **Ravina** fenced in all 4 sides and asked Runya to contribute his share of the cost, but Runya refused to do so. **Ravina** said, at least pay me your share based on cheap reeds, but Runya refused to do that as well. **Ravina** said, at least give me your share based on the value of

Daf In Review – Weekly Chazarah

hiring a watchman, but again Runya refused. One day, as Runya was picking dates, **Ravina** instructed a sharecropper to go and grab a bunch of dates from him. Runya began to yell to stop him from taking the dates. **Ravina** said to Runya, this shows that you want the protection afforded by my fences, and therefore you must at least pay for your share of the value of a watchman. They went to **Rava**, who told Runya, “go and pay the amount that **Ravina** is now requesting, because if you don’t, I will pasken for you like **R’ Yose** according to **R’ Huna**, and make you pay your share of the actual cost of the fence!”

- Runya bought a field on the boundary of **Ravina’s** field. **Ravina** wanted to force Runya to sell the field to him, under the rules of “bar metzra”. **R’ Safra the son of R’ Yeiva** said to **Ravina**, Runya is a poor man, and therefore, the application of the pasuk of “v’asisa hayashar v’hatov” says to allow him to keep the field so that he can use it as a method of support.

MISHNA

- If the wall dividing a chatzer collapsed, they must rebuild it to a height of 4 amos. When the wall is rebuilt, there is a chazaka that each party paid their share, unless there is proof that he did not. They are not required to build it above 4 amos. If one neighbor built the wall above 4 amos (at his own expense) and the second neighbor then builds a wall of equal height next to it, with the intent to then place a roof over the two walls, even if no roof was built on it yet, we make that neighbor pay his full share of the first wall for the full height. In this case, there is a chazaka that the second neighbor did *not* pay for this amount, unless there is proof that he did.

GEMARA

- **Reish Lakish** said, if someone made a time for repayment of a loan, and when that time came the borrower said that he already paid before the due date, he is not believed, because people typically don’t pay early. **Abaye and Rava** said, the borrower would be believed, because people sometimes do pay before the due date when they have money that becomes available to them. They do so, knowing it will stop them from being bothered by the lender at the due date.
 - **Q:** Our Mishna said that with regard to building a wall 4 amos high, there is a chazaka that the neighbors paid their share, unless there is proof that they did not. Now, this can’t be talking about where the second neighbor tells the neighbor who built the wall that he paid him when the wall was built, because that would be obvious that he is believed (that payment would be at its proper time). Rather, it must be that he claims to have paid before the wall was completed, and we see that he is believed, because people do pay before the due date of a loan!? **A:** This case is different, because he becomes obligated to pay for each row of stones as it is built (and he is claiming that he paid for the part that was already built, not more), so it is never considered to be “before the due date”.
 - **Q:** Our Mishna said, with regard to the wall higher than 4 amos, there is a presumption that the neighbor did not pay, unless he brings proof that he did. Now, this can’t be talking about where the second neighbor tells the neighbor who built the wall that he paid him when the wall was built, because why wouldn’t he be believed (that payment would be at its proper time)!? Rather, it must be that he claims to have paid before the wall was completed, and we see that he is not believed, because people do not pay before the due date of a loan!? **A:** This case is different. It may be that he is not believed in this case because he says to himself “who says the **Rabanan** will make me pay for this part of the wall”, and that is why he has likely not paid for it.
 - **R’ Pappa and R’ Huna the son of R’ Yehoshua** paskened like **Abaye and Rava**, and **Mar bar R’ Ashi** paskened like **Reish Lakish**. The Gemara says that we pasken like **Reish Lakish**, to the extent that we would collect from orphans based on this chazaka, even without making the lender swear.

-----Daf 1---6-----

- **Q:** If a lender asks for payment after the due date, and the borrower answers that he already paid before the due date, is he believed? Do we say that if he was lying he could have simply said that he paid at the due date

Daf In Review – Weekly Chazarah

and would have been believed, so by saying that he paid before the due date he is also believed, or do we say that a miguy can't be said when it opposes a chazaka?

- **Q:** Maybe we can answer based on the Mishna. The Mishna said, with regard to building a wall 4 amos high, there is a chazaka that the neighbors paid their share, unless there is proof that they did not. Now, this can't be talking about where the builder asked for payment after the time it was due and the second neighbor tells the neighbor who built the wall that he paid him when the wall was built and the money was due, because that would be obvious that he is believed (that payment would be at its proper time). Rather, it must be that he claims to have paid before the wall was completed, and we see that he is believed, because we do say a miguy even when it goes against a chazaka that people do not pay before the due date of a loan!? **A:** This case is different, because he becomes obligated to pay for each row of stones as it is built (and he is claiming that he paid for the part that was already built, not more), so it is never considered to be "before the due date".
- **Q:** Maybe we can answer based on the Mishna. The Mishna said, with regard to the wall higher than 4 amos, there is a presumption that the neighbor did not pay, unless he brings proof that he did. Now, this can't be talking about where the builder demanded payment after it was built (which is after the time that payment was due) and the second neighbor tells the neighbor who built the wall that he paid him when the wall was built (i.e. at its proper time), because why wouldn't he be believed (that payment would be at its proper time)!? Rather, it must be that he claims to have paid before the wall was completed, and we see that he is not believed, because we do not say a miguy when it goes against a chazaka!? **A:** This case is different. It may be that he is not believed in this case because he says to himself "who says the **Rabanan** will make me pay for this part of the wall", and that is why he has likely not paid for it.
- **Q: R' Acha the son of Rava** said to **R' Ashi**, maybe we can answer based on another Mishna. The Mishna says, if a person says to another "you owe me a maneh" and the other person says "yes I do", and the next day the lender said "pay me that maneh", if the borrower then says "I gave it to you after our conversation yesterday", he is believed. If he says "I don't owe you anything", he is not believed. Presumably the case of "I gave it to you" means he says he paid it back when it was due, and the case of "I don't owe you anything" is talking about where he says I paid you back before it was due, and we see that in this case he is chayuv, which means that we don't say a miguy when it goes against the chazakah!? **A:** The case of "I don't owe you anything" is where he says "I never owed you anything". In that case he cannot be believed to say that he paid, because when someone says he never owed something, he is clearly admitting that he never paid it either.

SAMACH LO KOSEL ACHEIR MIGALGILIN ALAV ES HAKOL...

- **R' Huna** said, if he placed a second wall next to only half of the first wall, he will anyway be chayuv for the entire wall. **R' Nachman** said, he would only be chayuv for the part of the wall that he placed a second wall next to.
 - **R' Huna** would agree that if the second wall is really just an extension of the corner of his house, that he only pays for the piece opposite that extension. **R' Nachman** would agree that if he placed big beams along the wall he would have to pay for the entire height of the wall, because we can be sure that he will eventually build on it.
 - **R' Huna** said, the fact that a wall of more than 4 amos was built with sockets for beams facing the neighbor does not prove that the neighbor paid a share of that wall. This is true even if the builder of the wall lined the sockets with wood, for the protection of beams to be placed inside. This is so, because the builder can say "I made these sockets for him without ever being paid so that when he does pay I will not have to weaken the wall by drilling holes then".
- **R' Nachman** said, if one has established a right to lay light beams on his neighbor's wall, that does not establish a right for heavy beams. However, if he has an established right for heavy beams, he also has an established right for light beams. **R' Yosef** said, that even in the first case he has established a right for heavy beams as well. **Others** say that **R' Nachman** said like **R' Yosef**.
 - **R' Nachman** said, if one has established a right to allow water to drip from his entire roof onto his neighbor's chatzer, he also has an established right to build a gutter which would make the water go

Daf In Review – Weekly Chazarah

onto only one area of the chatzer. However, if he has an established right to allow the water into one area, that does not establish a right to allow the water to drip off his entire roof onto the chatzer. **R' Yosef** said, that even in the second case he has established a right to allow for dripping off of the entire roof. **Others** say that **R' Nachman** said like **R' Yosef**, but says that he would not have established a right to allow the water from a roof made of willow branches. **R' Yosef** said, even this is an established right. In fact, **R' Yosef** paskened this way in practice.

- **R' Nachman in the name of Rabbah bar Avuha** said, if someone rents an apartment in a large house to a tenant, the tenant may use the beams that stick out of the walls and the holes in the walls up to 4 amos from his apartment. In a place where the custom allows, he may also make use of the thickness of the top of the wall. However, he may not use the wall facing the garden at the entrance of the building. **R' Nachman** himself said, he may even use the wall facing the garden, but he may not use the yard behind the building. **Rava** said, even this yard may be used by the tenant.
- **Ravina** said, with regard to a beam that was placed for a hut made for shade, and leans on a neighbor's wall, if it remains there for up to 30 days, it does not create a chazaka of a right to leave the beam there permanently. If it is there for longer than that, there is a chazaka. If the hut was for the mitzvah of succah, then if it is there for up to 7 days it does not create a chazaka. If it remains for more than 7 days, it does create a chazaka. If he attaches the beam to the wall with cement, it becomes a chazaka immediately.
- **Abaye** said, if there are two houses facing each other from opposite sides of the reshus harabim, each of them builds a fence for half the roof (not opposite each other) and they extend it past the mid-point a little bit.
 - **Q:** Why is it that this is only when they are on opposite sides of the reshus harabim? Why wouldn't this apply if they were on opposite sides of the reshus hayachid? **A:** In the case of a reshus harabim, we would think that one homeowner can tell the second owner that since he must anyway erect a full fence on his roof to create privacy from the reshus harabim, the first owner should not have to erect any fence. He therefore teaches that the second owner can respond, that he only needs privacy from the reshus harabim during the day, but needs privacy from the house across the street at night as well. That is why he can force the owner across the street to erect a fence. Also, he can tell him that the public in the reshus harabim can only see him when he stands on his roof, not when he sits, whereas the roof across the street can see him even when he sits. Also, the public must make a conscious effort to see him on the roof, whereas from the roof across the street, there is an issue of privacy even if the other owner does not make a conscious effort to look.
 - **Q:** It seems obvious that each would have to build half the fence, so why does **Abaye** need to specify? **A:** The case is where one of them built the fence on half his roof before they went to Beis Din. Now the other owner tells him, "I will pay for the second half of the fence, but put it on your roof". We would think he can fulfill his obligation by doing that. **Abaye** is teaching that the first owner can say that he doesn't want to have the entire fence on his roof, because the weight can damage his building.
- **R' Nachman in the name of Shmuel** said, if there is a roof that overlooks another's chatzer, the owner of the roof must build a fence of 4 amos. However, between 2 roofs that are adjacent to each other, no fence is necessary. **R' Nachman** himself said, the adjacent roofs don't need a fence of 4 amos, but they do need a fence of 10 tefachim.
 - **Q:** What is the purpose of such a small fence? It doesn't help for privacy unless it is 4 amos, and if it is to mark the boundary, then a marker should be sufficient! If it is to stop animals from going from one roof to another, a fence of less than 10 would be sufficient as well! **A:** The purpose is to mark the boundary and prevent one owner from going onto the roof of the other. However, if only markers were used, the trespassing owner could always claim that he mistakenly stepped over the marker. With a fence of 10 tefachim, no such mistake can be claimed.
 - **Q:** A Braisa says, if a person's chatzer is higher than his neighbor's roof, he need not pay for a fence to prevent him from looking onto the roof. Now, this seems to say that no fence at all would be needed, even a fence of 10 tefachim, and therefore refutes **R' Nachman**! **A:** The Braisa means that he need not pay for a fence of 4 amos, but he would certainly have to pay for a fence of 10 tefachim.

Daf In Review – Weekly Chazarah

- If there are two adjacent chatzeiros, one higher than the other, **R' Huna** said, the owner of the lower chatzer must build a wall on his own up to the height of the higher chatzer, and from that point and higher, the other owner must share the cost. **R' Chisda** said both owners share the cost of the entire wall.
 - There is a Braisa that clearly says like **R' Chisda**.

-----Daf 7-----

- There were 2 brothers who inherited a house. One lived on the upper floor and one lived on the lower floor. The house began sinking, to the point that the brother on the lower level would have to bend down when entering his house. He told the upstairs brother “let’s knock down this house and rebuild it”. The upstairs brother said, “my house is fine, I have no interest to knock it down”. The downstairs brother said “I will pay for all the construction”. The upstairs brother said, “I do not have anywhere to live during the process”. The other brother said, “I will rent a place for you”. The upper brother said “I still don’t want to go through the bother of having to move”. The brother said, “But, I cannot live in my house as is!” The upstairs brother said, “just bend down when you enter and exit!” The case was brought to **R' Chama**, who said that the upstairs brother can legally prevent the rebuilding of the house.
 - The Gemara says, this is true only if the ceiling height for the downstairs house remains at least 10 tefachim high. If it is lower, he can tell the upstairs brother, “your house has now come into my space, and therefore we must demolish it and rebuild it”. Also, this is only true if they didn’t make an agreement to rebuild if it begins sinking.
 - **Q:** If they made an agreement, how much does it have to sink in order for him to be able to force the upstairs brother to rebuild? **A:** The **Rabanan in front of Rava in the name of Mar Zutra the son of R' Nachman in the name of R' Nachman** said, it is like we learned in a Mishna that the height of a room should be equal to half its length plus half its width (as it was in the Heichal). **Rava** said to them, I told you not to say empty things in the name of **R' Nachman!** Rather, **R' Nachman** said that he cannot force the brother to rebuild as long as the house can be lived in like normal people live in a house. **R' Huna the son of R' Yehoshua** explained, that this requires enough room for someone to bring in bundles of reeds from Mechuza and turn around in all directions in the house.
- There was a person who was building a wall behind the windows of his neighbor’s house (i.e. his wall would block the windows). The neighbor said “you are making my house dark!” The builder said, “I will close up the windows I am blocking and make you new windows higher up, above my wall”. The neighbor said, making new windows damages the existing wall of the house. The builder therefore offered to take down the neighbor’s wall to the point that the new windows would be placed and rebuild it with the new windows (which would not be knocking in new windows and would therefore not damage the wall). The neighbor said, having a new wall on top of an old wall will not work well structurally. The builder offered to knock down the neighbor’s entire wall and build it new from the ground up. The neighbor said, a house with 3 old walls and one new wall cannot remain structurally sound. The builder offered to knock down the entire house and rebuild it for him, with the windows high up. The neighbor said, I have nowhere to live if you do that. The builder offered to rent a place for him. The neighbor said, even so, I don’t want to go through the bother of having to move. This was brought to **R' Chama**, who said that the neighbor has the right to prevent the builder from building the wall that would block the light.
 - **Q:** This seems to be essentially the same case as the first one!? **A:** The chiddush of this second case is that the neighbor can prevent the building even if he didn’t live in that house, and instead used it to store straw or wood.
- There were two brothers who divided their inheritance in a way that one ended up with a mansion and the other with the garden outside of the mansion. The brother with the garden built a wall that blocked the mansion’s light. The other brother said, “you are making my house dark!” The brother replied, “I have built on my own property”. The case was brought to **R' Chama**, who said that the owner of the garden has the right to build the wall.

Daf In Review – Weekly Chazarah

- **Q: Ravina** asked **R' Ashi**, why is this different than a Braisa that says that when brothers divide an estate so that one ends up with a vineyard and the other with a field of grain, we assume that the owner of the vineyard may use the 4 amos of the grain field that is adjacent to the vineyard for purposes of the work he needs to do on the vineyard. This is because we assume that the division was done to allow each to enjoy the full benefits of what they end up with. Our case should be based on this assumption also, and he should therefore not be allowed to block the mansion's light!? **A: R' Ashi** said, the Braisa is discussing where the one who got the vineyard also had to pay cash to the other brother (because he took the more expensive part) and therefore he is entitled to full use.
 - **Q:** This case is surely talking about where the one who took the mansion paid money as well!? **A: R' Ashi** said, he only gave money equal to the value of the materials that made up the mansion, but he didn't give money to grant him the right to light.
- **Q:** Why can't the owner of the mansion say, "I was given a mansion as my portion, but I am now left with a dark house (which is not a mansion)!" **A: R' Simi bar Ashi** said, as long as it was referred to as a mansion, even if it is not a mansion, he has gotten the portion that he was to get. We see this concept in a Braisa, which says that when someone buys something, even if the item is not technically what it was referred to as, it is a good sale if the item was known by that name.
 - **Q:** In the Braisa, it is a question of a seller and buyer, and the seller can say that he sold him what they had discussed. However, in our case, the brother can say that they divided the estate and he took the mansion only to be able to live in it as his father did (with the light)!? **A: Mar Yenuka and Mar Kashisha the sons of R' Chisda** said to **R' Ashi**, **R' Chama** holds like **Shmuel**, who was quoted by **R' Nachman** to say that when brothers divide an estate, they do not automatically get the right to use the assets in the way their father did (i.e. if he would walk through his entire property, it does not mean that each brother can do so if the property is now owned by more than one of them).
- There was a promissory note in the possession of young orphans, and when they tried to collect with it, the debtor produced a receipt stating that he paid. **R' Chama** said, we cannot collect the debt because there is a receipt, but we will also not rip up the promissory note, because maybe when the orphans get older they will be able to show that the receipt is not valid.
- **Q: R' Acha the son of Rava** asked **Ravina**, how do we pasken in these 4 cases? **A: Ravina** said, in all these cases we pasken like **R' Chama** except for this last case, because we do not assume that the witnesses are false. **Mar Zutra the son of R' Mari** said that we even pasken like **R' Chama** in that case, because the fact that the receipt was never produced until after the father died makes us believe that the receipt may have been forged.

MISHNA

- We force the residents of a chatzer to pay for the building of a gatehouse and a door for the chatzer. **R' Shimon ben Gamliel** says, not all chatzeiros need a gatehouse.
- We force the residents of a city to pay for a wall, for double-doors, and for a crossbar. **R' Shimon ben Gamliel** says, not all cities need a wall.
 - How long does one have to be living in a city to be considered a resident of that city for these purposes? Twelve months. If he bought a house in the city he is considered to be a resident immediately.

GEMARA

- **Q:** The Mishna makes it sound like having a gatehouse is a good thing. However, we find that Eliyahu once stopped visiting a certain chossid when the chossid built a gatehouse, which shows it is not a good thing!? **A:** When it is inside the door of the chatzer it is a bad thing, because it prevents the voices of the paupers from being heard. When it is on the outside, it is not a bad thing. **A2:** We can say that both are talking about where it was built on the outside. In the case of the chossid it had a door, which prevented them from going in. The Mishna is talking about where there was no door. **A3:** We can also say that they both had doors, but the gatehouse of the chossid didn't have a doorknob, but the Mishna is talking about where it did have a doorknob.

Daf In Review – Weekly Chazarah

A4: We can say that in both cases they had doorknobs, but the chossid's had a doorknob only on the inside, whereas the Mishna was talking about where the doorknob was on the outside.

KOFIN OSO LIVNOS BEIS SHAAR V'DELES L'CHATZER

- A Braisa says, **R' Shimon ben Gamliel** says, only the chatzeiros in the mavuy that are near the reshus harabim need a gatehouse. The ones deeper in do not. The **Rabanan** feel that at times the public pushes deep into the mavuy, and therefore all chatzeiros need a gatehouse.

KOFIN OSO LIVNOS LA'IHR...

- A Braisa says, **R' Shimon ben Gamliel** says, only the cities near the border need a wall. The **Rabanan** feel that even other cities can at times fall risk to attacking troops, and therefore all cities need a wall.
- **Q: R' Elazar** asked **R' Yochanan**, do they collect for the wall based on wealth (most attackers come for the money) or based on people (attackers come to kill)? **A: R' Yochanan** said, we collect based on wealth.
 - **Others** say, that **R' Elazar** asked whether we only take wealth into account or if we also take proximity to the edge of the city into account as well. **R' Yochanan** said that we do take proximity into account.
- **R' Yehuda Nesia** required the **Rabanan** to pay for the wall of their city as well. **Reish Lakish** said, the **Rabanan** don't need the protection of a wall, and therefore don't have to pay for it.

-----Daf 7---8-----

- **R' Huna bar R' Chisda** once included the **Rabanan** in the obligation to pay a head tax. **R' Nachman bar Yitzchak** said to him, you have been oiver on the Torah, the Nevi'im, and Kesuvim. The Gemara then darshens a pasuk in the Torah, in Nevi'im, and in Kesuvim, which show that **Rabanan** are not in need of protection, because they are protected by Hashem, and therefore should not be subject to a tax, which money is then used for protection and security.
- **R' Pappa** levied the tax for building a new well, even on orphans. **R' Shisha the son of R' Idi** asked, but the digging may not successfully strike water, and therefore the orphans shouldn't be included in this tax!? **R' Pappa** said, we will take the money from them. If we strike water, all is good. If we do not, we will return the money to them.
- **R' Yehuda** said, everyone must contribute for the expense of putting up gates around the city. We even collect from orphans for this. However, we do not collect for this from the **Rabanan**, because they don't need this protection. With regard to the expense of digging a well, we even collect from the **Rabanan** for that. This is only when they hire workers to dig the well. If the people of the city all take turns digging, the **Rabanan** do not have to join the rotation, because they are not people who do manual labor.
- In years of hunger, **Rebbi** opened his storehouses of food and invited all people who learn Torah, Mishna, Gemara, Halacha, or Aggadah, to come and take from the food, but not the amei haaretz. **R' Yonason ben Amram** disguised himself and went to **Rebbi** and asked for food. **Rebbi** asked if he learns anything, and **R' Yonason** said that he does not. **R' Yonason** said, "feed me like you would a dog or a raven". **Rebbi** gave him food, but then felt very bad that he had given his food to an ahm haaretz. **R' Shimon bar Rebbi** told **Rebbi**, maybe that "ahm haaretz" was actually **R' Yonason ben Amram**, who never wants to benefit from the honor of the Torah? They looked into it and found that to be true. Realizing that there may be other Rabanim who act like that and would therefore not take food when it is given only for those who have learned, **Rebbi** then allowed all people to come and take food.
 - This practice of **Rebbi** followed his view that bad things come to the world only because of the amei haaretz. This can be seen in a story where the king levied a tax on the city of Tiverya. **Rebbi** said the **Rabanan** do not have to pay. The amei haaretz demanded that the **Rabanan** be included. When **Rebbi** said they will not be included, half of the amei haaretz fled the city. When that happened, the king reduced the tax by half. When the remaining amei haaretz fled, the entire tax was removed (even though the **Rabanan** remained). **Rebbi** said, we see that bad things come to the world only because of the amei haaretz.

V'KAMA YIHEI BA'IHR VIHEI K'ANSHEI HA'IHR...

Daf In Review – Weekly Chazarah

- **Q:** A Braisa says, if there is a caravan of people traveling on donkeys or camels that pass through a city, and are convinced to worship avodah zara with the people of the city, they are killed with skila and their money is not burned (the method of death and of dealing with their money is not the same as the rest of the people of the city), but if they have been in the city for 30 days, they are killed by the sword and their money is burned (like the rest of the city). We see that even 30 days is enough to make someone a resident of the city!? **A: Rava** said, the Mishna is discussing being a citizen of the city, who would be subject to taxes, and that only happens after 12 months. The Braisa is discussing the status of residence, and that happens after 30 days. In fact, a Braisa clearly makes this distinction.
- **Q:** Is it true that one need not contribute for any communal expenses unless he lives in the city for 12 months? A Braisa says, a resident of 30 days must contribute to the “tamchuy” (food for the poor), a resident of 3 months must contribute to the “kupah” (the fund from which weekly stipends were given to the poor), a resident of 6 months must contribute to the clothing fund for the poor, a resident of 9 months must contribute for the burial fund for the poor, and a resident of 12 months must contribute for boards for the city’s walls!? **A: R’ Assi in the name of R’ Yochanan** said, when our Mishna says that a resident of 12 months must contribute, it too is referring to contributing for boards for the city’s walls.
 - **R’ Assi in the name of R’ Yochanan** said, everyone must contribute for the boards for the city’s walls, even orphans, but the **Rabanan** do not have to, because they do not need the protection of the wall.
 - **R’ Pappa** said, everyone must contribute for the repairing of city’s walls, for the person to ride around on a horse and protect and look into any necessary repairs, and for the guard of the weapons who lived near the gate, even orphans, but the **Rabanan** do not have to, because they do not need their protection. The general rule is, anything that produces a benefit can be collected even from orphans.
- **Rabbah** required the orphans of Bar Meryon to contribute to the tzedaka fund. **Abaye** asked, **R’ Shmuel bar Yehuda** taught that we don’t collect tzedaka from orphans, even to ransom captives!? **Rabbah** said, I collected from them so that they become prestigious, as their father had been. Therefore, it is for their benefit, and may be done.
 - Ifra Hurmiz, the mother of Shvor Malka, once sent a wallet full of dinars to **R’ Yosef** and instructed that it be used for “a great mitzvah”. **R’ Yosef** sat and thought what would be considered a “great mitzvah”. **Abaye** said, since **R’ Shmuel bar Yehuda** taught that we don’t collect tzedaka from orphans, “even to ransom captives”, it must be that ransoming captives is a “great mitzvah”.
 - **Rava** asked **Rabbah bar Mari**, how do we know that ransoming captives (pidyon shvuyim) is a great mitzvah? **Rabbah bar Mari** said, the pasuk talks about the galus and says some people will die, others will be killed by the sword, others will die from hunger, and others will be taken into captivity. **R’ Yochanan** said that the later it is mentioned in the pasuk, the worse it is – being killed by the sword is worse than dying, because the one who is killed has his body become disgusting, and because a pasuk is darshened to say that natural death is better; hunger is worse than death by the sword, because starvation comes with a lot of suffering, and based on a drasha of a pasuk; captivity is worse than them all, because a captive becomes subject to all these forms of death.
- A Mishna says, the collecting for the general tzedaka fund (which gave poor people a weekly stipend) must be done by 2 people, and the money is distributed by 3 people. It is collected by 2, because we don’t create financial authority over the people with less than 2 people, and it is divided by 3, just like all monetary matters must be decided by a Beis Din of three.
 - A Braisa says, the “tamchuy” (a food collection that was given to the poor people daily) is collected by 3 people and distributed by 3 people, because the collection and distribution were done on the same day. The tamchuy was distributed every day, whereas the “kupah” (the fund) was distributed every Friday. The tamchuy was given to any poor person, whereas the kupah was only given to the poor people of that city. The people of the city may use money from the kupah for the tamchuy if needed, and visa-versa, and may decide to use any excess money for any need they want. The people of the city may also decide to change measurements, to set prices, to set wage rates, and to enforce this with penalties.

Daf In Review – Weekly Chazarah

- **Q:** How do we know that we don't create financial authority over the people with less than 2 people? **A:** **R' Nachman** said, the pasuk regarding the collection for the Mishkan says "and *they* took the gold".
 - This suggests that we could trust a single person to watch over the funds. This supports **R' Chanina**, who said that **Rebbi** once appointed two brothers (who are only believed as one person) to watch over the fund.
- **Q:** What "authority" did the collectors have, that it had to be done by 2 people? **A:** We find that **R' Nachman in the name of Rabbah bar Avuha** said, that the collectors can take collateral for the tzedaka obligation, even on Erev Shabbos.
 - **Q:** **R' Yitzchak bar Shmuel bar Marsa in the name of Rav** darshens a pasuk to teach that even collectors of tzedaka may not oppress the people, so how can they be allowed to take collateral? **A:** They are allowed to take from wealthy people. The pasuk is referring to people who are not wealthy. As we find that **Rava** forced **R' Nosson bar Ami** to give a large sum to tzedaka (because he was a wealthy man).
- A pasuk says "the wise will shine like the sky" – this refers to a dayan who judges correctly, "and those who make many righteous will shine like the stars forever and ever" – this refers to the people who collect tzedaka. A Braisa says "the wise will shine like the sky" – this refers to a dayan who judges correctly and those who collect tzedaka, "and those who make many righteous will shine like the stars forever and ever" – refers to teachers of children. **Rav** said, an example of such a teacher is **R' Shmuel bar Shilas**, who was extremely dedicated to his students, and always had them on his mind.
 - **Q:** What does the pasuk say about the **Rabanan** who learn Torah constantly? **A:** **Ravina** said, the pasuk says "and those who love Him will be like the sun going out in its might".
- A Braisa says, tzedaka collectors may not separate from each other, but they may separate to collect from different people, as long as people realize they have come together. If a tzedaka collector finds money in the street, he may not put it into his pocket (people will think he is stealing money from tzedaka), rather, he should put the money into the tzedaka wallet, and he can take it from there when he gets home. Similarly, if someone pays him back for a loan while he is collecting, he may not put the money into his pocket (people will think he is stealing money from tzedaka), rather, he should put the money into the tzedaka wallet, and he can take it from there when he gets home.
- A Braisa says, if tzedaka collectors have no paupers to give the money to now, and they want to change the coins they have for fewer, larger coins, they must exchange the coins with other people, not for themselves. The tamchuy collectors who don't have paupers to give the food to should sell the food to other people, but not to themselves. When counting tzedaka money, the coins should not be counted two at a time, rather they should be counted one at a time.
- **Abaye** said, initially Mar would not sit on the mats of the shul (because they were purchased with tzedaka money). When he learned the Braisa that says that the people may use the money for any communal need that they want, he began to sit on the mats.
 - **Abaye** said, initially Mar would have two wallets for the money he collected – one for general paupers and one for the poor people of the city. When he heard that **Shmuel** told **R' Tachlifa bar Avdimi** that there can be one wallet and a condition can be made with regard to the money in it (that it can be given to anyone who asks for money), he also started to have only one wallet.
 - **R' Ashi** said, I do not even have to make a condition, because whoever gives money to me, does so with the understanding that I have full discretion on whom I give the money to.
- There were butchers who agreed to a pact, that any of them who would shecht an animal on a day that a different butcher was supposed to, would be penalized by having the skins ripped apart. One of the butchers shechted on a day that he was not supposed to, and the others

Daf In Review – Weekly Chazarah

ripped the skins. They went to **Rava**, and **Rava** said the others must pay for the skins. **R' Yeimar bar Shilamya** asked **Rava**, the earlier Braisa said that a community can even penalize those who do not follow the rules they set!? **Rava** did not answer. **R' Pappa** said, **Rava** was correct in not answering, because the Braisa allows for that when there is no prestigious person there. However, if there is a prestigious person there (as was **Rava** in this case), they may not make such rules without involving this prestigious person.

-----Daf 9-----

- A Braisa says, we do not require an accounting from the tzedaka collectors regarding their disbursement of the funds, and we don't require an accounting from the "gizbar" of hekdesher regarding his spending of hekdesher money. Although there is no direct proof for this, there is somewhat of a proof from a pasuk that says that we didn't make an accounting with those who worked on the Beis Hamikdash.
 - **R' Elazar** said, even if someone has a trusted treasurer in his house (and he will not ask for an accounting from him), he should still bundle and count the money before giving it to him. We see this was done before giving the money to treasurers in charge of building the Beis Hamikdash.
- **R' Huna** said, we investigate a poor person who asks for money for food (to see if he is truly eligible), but we do not investigate a poor person who asks for money for clothing. We can say this is based on logic, because he came dressed in tattered clothing, which he would not do if he was not really in need, whereas one who asks for food does not embarrass himself in that way. We can also say that this is based on a pasuk which we darshen as teaching that as soon as we see one who needs clothing, we should give it to him immediately, without investigation. **R' Yehuda** said, we investigate one who comes for clothing, but we do not investigate one who comes for food. We can say this is based on logic, because a person who needs food is in pain, whereas one who needs clothing is not. We can also say that this is based on a pasuk, which is the same pasuk used by **R' Huna**, but darshened differently, and therefore teaches that food should be given without investigation, whereas clothing should be given after investigation. There is a Braisa that says like **R' Yehuda**.
- A Mishna says, if a poor person travels into town, the townspeople must give him a loaf of bread sufficient for 2 meals. If he stays overnight, they must give him what he needs to spend the night [**R' Pappa** explains that he must be given a bed and a pillow]. If he stays for Shabbos, they must give him 3 meals. A Braisa says, if he collected money on his own, we don't need to give him money from the tzedaka fund.
 - There was a poor person who collected money and then went to **R' Pappa** to ask for money from the fund, and **R' Pappa** did not give him any, based on this Braisa. **R' Sama the son of R' Yeiva** said to **R' Pappa**, if you don't give him any money, no one else will either, and he will die from hunger!? **R' Pappa** said, the Braisa says we do not give to a pauper who collects on his own! **R' Sama** said, that means that we don't have to give him a lot from the fund, but you do have to give him something.
- **R' Assi** said, a person should not hold back from giving at least 1/3 of a shekel to tzedaka each year. He learns this from the pasuk which says that this was the amount that had to be given to the Beis Hamikdash for its upkeep.
 - **R' Assi** said, the mitzvah of tzedaka is equal to all the other mitzvos in the Torah, since the pasuk says "mitzvos" (plural) in regard to the mitzvah of tzedaka.
- **R' Elazar** darshens a pasuk to teach that the one who causes others to give tzedaka is greater than the one who gives the tzedaka himself. If a person is zocheh, the money he is decreed to lose will go to tzedaka. If he is not zocheh, it will be lost to the government. **Rava** would tell the people of Mechuza, "I beg of you, give tzedaka to each other so that the government will not come and take the money".
 - **R' Elazar** said, in the times of the Beis Hamikdash, a person would give his shekel to be included in the korbanos and receive a kaparah. Today, if someone gives tzedaka it brings a kaparah, and if he does not, the goyim will come and take the money from him anyway. Even so, this confiscated money will be considered tzedaka from the person.
 - **Rava** said, "the child who embarrassed the ways of his mother" (i.e. **R' Sheishes**) told me in the name of **R' Elazar**, a pasuk is darshened to teach that just as with a coat of armor every piece combines to make a full coat, so too with tzedaka, every small perutah combines to make a

Daf In Review – Weekly Chazarah

large gift to tzedaka. **R' Chanina** makes this same point based on a drasha of a different pasuk, and compares tzedaka to a regular coat, which has every thread combine to make a full coat.

- **Q:** Why did he refer to **R' Sheishes** as “the child who embarrassed the ways of his mother”? **A:** It once happened that **R' Achdivoy bar Ami** asked a question to **R' Sheishes**, and when **R' Sheishes** attempted a number of times to answer the question, each time unsuccessfully, **R' Achdivoy** responded to him in a humorous manner. **R' Sheishes** felt bad because of that, and **R' Achdivoy** was therefore punished by becoming mute and forgetting his learning. **R' Sheishes's** mother begged him to daven for **R' Achdivoy**, but he refused. Finally she exposed her chest to him and said “I have nursed you, so the least you can do is heed my request to daven for him”. He then davened for him and he was healed. It was this story that caused him to “embarrass the ways of his mother”.
- **R' Elazar** darshens pesukim to teach that one who does tzedaka in secret is greater than Moshe Rabbeinu. The pasuk regarding Moshe says he feared the “ahf” and “cheima” (anger and wrath) of Hashem, whereas the pasuk says that one who gives tzedaka in secret appeases anger and a present (referring to tzedaka) appeases wrath.
 - **R' Yitzchak** argued on this. He darshened the pasuk to teach that tzedaka appeases anger, but cannot appease the strong wrath. **Others** say that **R' Yitzchak** said, the “present” in the pasuk refers to bribery, and teaches that any judge that accepts bribery brings a great wrath to the world.
 - **R' Yitzchak** also said, whoever gives even a perutah to a poor person is blessed with six brachos, and one who comforts the poor person with words is blessed with eleven brachos. These can be seen from pesukim.
 - **R' Yitzchak** also said, what does the pasuk mean when it says “one who runs after tzedaka and chessed will find life, tzedaka and honor”? For running after tzedaka he will find tzedaka? The pasuk is teaching that if one runs after tzedaka, Hashem will give him money with which to do tzedaka.
 - **R' Nachman bar Yitzchak** said, this means that for one who runs after tzedaka, Hashem will send him worthy people to give the tzedaka to. This comes to exclude the case of the drasha of **Rabbah** who darshened, that Yirmiyah davened to Hashem, that when the wicked people who wanted his death give tzedakah, Hashem should cause that they give it to people who are really not deserving of the tzedaka, and in that way they will not have the zechus of having given tzedakah.
 - **R' Yehoshua ben Levi** darshened a pasuk to teach that one who is accustomed to giving tzedaka will have sons who have wisdom, wealth, and know Aggadah.

-----Daf 10-----

- A Braisa says, **R' Meir** would say, if a rasha tells you not to give tzedaka, by saying that if Hashem really loved the poor person He would not have made him poor, you should answer him, that the reason Hashem made him poor was so that there be an opportunity to give tzedaka, and through that, to save people from the suffering of Gehenom.
 - This argument was made by Turnusrupus to **R' Akiva**, and **R' Akiva** gave this answer. Turnusrupus said, it is actually the giving of tzedaka that makes you end up in Gehenom! He explained with a mashal. If a king was angry at one of his servants and had him locked in prison without food or drink, and someone then went and gave this person food and drink, the king would be furious! That is essentially what you are doing with the poor people, and you Yidden are referred to as servants of Hashem! **R' Akiva** said, I will explain with a mashal, that you are wrong. If a king was angry at one of his sons and had him locked in prison without food or drink, and someone then went and gave this son food and drink, the king would be grateful for his having done so! That is essentially what we are doing with the poor people,

Daf In Review – Weekly Chazarah

because we Yidden are referred to as sons of Hashem! Turnusrupus said, you Yidden are sometimes referred to as sons of Hashem – when you do the Will of Hashem, and are sometimes referred to as servants – when you do not do the Will of Hashem. Now is a time when you are not doing the Will of Hashem (since you are under the rule of the Romans), and if so, based on my mashal it is improper for you to give tzedaka!?

- **R' Akiva** answered with a pasuk that refers to the Yidden being under the rule of the Romans, and says that we must feed the hungry. We see that even now, we must be giving tzedaka.
- **R' Yehuda the son of R' Shalom** darshened, just as the amount of a person's sustenance is decided on Rosh Hashana, so too is the amount of losses he is to have in the coming year. If he is zocheh, he will give that amount of losses to tzedaka. If he is not, it will be taken from him by the government.
 - We see this in the story of the nephews of **R' Yochanan ben Zakai**. **R' Yochanan** saw in a dream that these nephews were destined to lose 700 dinars over the coming year. He pushed them to give tzedaka over the year, and they ultimately gave 683 dinars. On Erev Yom Kippur the government came and took 17 dinars from them. **R' Yochanan** told them, don't be worried that they are coming back for more, because you were destined to lose 700, and this 17 completed the amount to 700. He then told them the dream that he had. They asked him why he did not tell them of the dream, which would have assured that they gave the full 700. He explained, that he wanted them to do the mitzvah for the sake of the mitzvah.
- **R' Pappa** was climbing a ladder and he slipped and nearly fell to his death. He thought, if I was almost killed like the way a mechalel Shabbos is killed, and like one who serves avodah zara is killed, there must be a reason for it. **R' Chiya bar Rav MiDifti** said to **R' Pappa**, maybe a poor person came to you and you did not give him tzedaka. A Braisa darshens pesukim to teach that one who holds back from giving tzedaka is treated as if he worshipped avodah zara.
- A Braisa says, **R' Elazar the son of R' Yose** darshened a pasuk to teach, all the tzedaka and chesed that Yidden do on this world creates a great peace and defending Malachim between Klal Yisrael and Hashem.
- A Braisa says, **R' Yehuda** darshens a pasuk to teach that tzedaka is so great, because it brings the ultimate redemption.
 - He would also say, there are 10 strong things created in the world: a mountain is strong, but iron can break it; iron is strong, but fire can soften it; fire is strong, but water weakens it; water is strong, but clouds can contain it; clouds are strong, but wind can scatter them; wind is strong, but a body can withstand it; a body is strong, but fear can break it; fear is strong, but wine can calm it; wine is strong, but sleep weakens it; and death is stronger than all of these. Yet, the pasuk teaches that tzedaka saves from death!
- **R' Dustai the son of R' Yannai** darshened a pasuk to teach the following. The ways of Hashem are not like those of people. When dealing with people, a person can bring a big present for the king, and it is a safek whether it will be accepted or not, and even if it is accepted, it is a safek whether he will get to see the king. With Hashem, it is not so. If a person gives a perutah to a poor person, we learn from a pasuk that the person is zocheh to receive the Shechina.
 - Based on this, **R' Elazar** would give tzedaka before davening.
 - The end of this pasuk says "through being awake I will be satiated with Your image". **R' Nachman bar Yitzchak** said, this refers to talmidei chachomim, who don't allow themselves to sleep in this world, but rather learn Torah, and Hashem satiates them with His Shechina in the next world.
- **R' Yochanan** darshened the pasuk that says "one who is gracious to the poor has lent to Hashem" as teaching, Hashem says that He "feels obligated" to one who gives to the poor.
- **R' Chiya bar Abba in the name of R' Yochanan** said, there are two pesukim that end off saying "tzedaka saves from death". One teaches that it saves from unnatural death, and the other teaches that it saves from Gehenom.

Daf In Review – Weekly Chazarah

- **Q:** What type of tzedaka saves from unnatural death? **A:** If he gives and doesn't know who he is giving to, and the poor person takes and doesn't know who he is taking from. The best way to do this is to give to the general tzedaka fund.
 - **Q:** A Braisa says, if a person wants to be zocheh to have sons, **R' Eliezer** says he should give a lot to tzedaka. **R' Yehoshua** says he should make his wife happy before tashmish. **R' Eliezer ben Yaakov** says a person should never give even a perutah to the general tzedaka fund unless the one in charge is as honest as **R' Chananya ben Tradyon**. We see that it is not good to give to the general fund!? **A:** When the Gemara said it is good to give there, it was talking about when the person in charge is as honest as **R' Chananya ben Tradyon**.
- **R' Avahu** said, Moshe Rabbeinu said to Hashem, how does Klal Yisrael become exalted? Hashem said, when they give tzedaka.
- **R' Avahu** said, they asked Shlomo Hamelech, how far does the power of tzedaka go? He told them, Dovid Hamelech wrote in Tehillim that one who gives tzedaka will be blessed with honor forever.
- **R' Avahu** said, they asked Shlomo Hamelech, who is a "ben olam habbah"? He told them, it is anyone who is honored for his wisdom in his old age.
 - This is like the story that happened to **Yosef the son of R' Yehoshua**, who became very sick and was unconscious. When he came to, his father asked him what he saw. He said he was in Heaven and saw an upside down world, where those who are high here are low there, and visa-versa. His father told him, you saw a very clear world. His father asked him, how are we talmidei chachomim viewed there? He said, we are viewed with prestige and honor there as we are viewed here. He said that he heard them saying in Heaven "lucky is the one who comes here and his learning is in his hand". He also heard them say "the people killed by the government are on such a high level, that no one can even stand near them" (the fact that they were killed "ahl Kiddush Hashem" is enough to put them on that special level).
 - **Q:** Who is this referring to? If it refers to **R' Akiva** and the other of the "asara harugei malchus", why would it be that they are at that level only for having been killed in this way? They were at a lofty level for many other reasons!? **A:** It refers to two brothers in Lod, who falsely "admitted" to a crime so that they be killed and the rest of the city be saved.
- A Braisa says, **R' Yochanan ben Zakai** asked his talmidim, what is the explanation of the pasuk that says "tzedaka exalts a nation, and the chesed of nations is a sin"? **R' Eliezer** said, the first part of the pasuk refers to Klal Yisrael, and the second part of the pasuk refers to the goyim. Their chesed is a sin, because they only do it to benefit themselves with longer life, as the pasuk says regarding Nevuchadnetzar.
 - **Q:** Is this to say that if one gives tzedaka with an ulterior motive, it is not considered to be the full mitzvah of tzedaka? A Braisa says, if one gives tzedakah for the zechus that his children should live, or so that he merit Olam Habah, he is considered to be completely righteous!? **A:** If a Yid does that he is considered righteous, because we can assume that his true intention is still to perform the mitzvah. When a goy does this, he does not have these good intentions, and therefore he is not considered to be righteous.
 - **R' Yehoshua** then answered **R' Yochanan ben Zakai** and said, the first part of the pasuk refers to Klal Yisrael, and the second part of the pasuk refers to the goyim. Their chesed is a sin, because they only do it to benefit themselves with longer reigns of power, as the pasuk says regarding Nevuchadnetzar
 - **R' Gamliel** then answered and said, the first part of the pasuk refers to Klal Yisrael, and the second part of the pasuk refers to the goyim. Their chesed is a sin, because they only do it to glorify themselves, as the pasuk in Mishlei is darshened. **R' Gamliel** said, we still need to come onto the explanation of **R' Eliezer HaModa'i**, who said, the first part of the pasuk refers to Klal Yisrael, and the second part of the pasuk refers to the goyim. Their chesed is a sin, because they

Daf In Review – Weekly Chazarah

only do it to scorn us Yidden with these acts (by saying that if we would have done the mitzvos, we would not be subject to their rule, as the pasuk says regarding Nevuchadnetzar).

- **R' Nechunya ben Hakana** then answered and said, the pasuk should be read as follows: “tzedaka exalts a nation, and the chesed” – which refers to Klal Yisrael, and “of nations is a sin” refers to the goyim.
- **R' Yochanan ben Zakai** said to his talmidim, “I like the explanation of **R' Nechunya** more than my own explanation and of your explanations, because he says that tzedaka and chesed refer to the Yidden and the goyim only have sin”.
 - **Q:** This suggests that **R' Yochanan** had his own explanation. What was his explanation?
A: A Braisa says, **R' Yochanan ben Zakai** said, the pasuk should be understood as saying that just as a korbon chatas brings a kaparah for Yidden, tzedaka brings a kaparah for the goyim.
- Ifra Hurmiz, the mother of Shvor Malka sent 400 dinars to **R' Ami** to be given out as tzedaka, but he would not accept it from her (he didn't want to help a goy to give tzedaka). She then sent it to **Rava**, who accepted it so as to keep peace with the king. **R' Ami** was upset that he did so, citing a pasuk that says that when the goyim run out of zechusim they will no longer rule over the Yidden.
 - **Q:** Why wasn't **R' Ami** concerned for keeping peace with the king? **A:** He was and agreed that **Rava** should take the money, however, he felt that the money should have been given to poor goyim, not to Yidden.
 - In fact, that is what **Rava** did, but **R' Ami** was not told about that.
- A Braisa says, it once happened when Binyomin Hatzaddik was in charge of the tzedaka fund, that there was a time of hunger and a woman came and asked for money. He said, I swear there is no money left in the fund. The woman said, “if you don't sustain me, I and my 7 sons will die”. He went and sustained her with his own money. Sometime later he became sick and was dying. The Malachim went to Hashem and said “Hashem, the Torah teaches that anyone who saves one Yiddish life is as if he saved an entire world, so how could Binyomin Hatzadik, who saved a woman and her seven children, die at such a young age!?” Hashem immediately tore up the decree, and he recovered. A Braisa says that he lived and had 22 years added to his life.