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

Rav Acha bar Adda said: In the West, the following verse (which, in Bavel, is read as one verse) is divided into three verses: (1) *And Hashem said to Moshe: Behold, I come to you in a thick cloud.* [(2) Because the people will hear as I speak to you, they will believe in you also forever. (3) Moshe related the words of the people to Hashem.] (38a1)

Moshe’s Wealth

Rabbi Chama the son of Rabbi Chanina said: Moshe became wealthy only from the carvings of the Tablets (*second luchos*), as it is written [Shmos 34:1]: Hashem said to Moshe, “Carve for yourself two stone Tablets, like the first ones.” This implies that the scrapings (*leftovers*) should be his (*it was made from an extremely valuable gem*).

Rabbi Yosi the son of Rabbi Chanina said: Initially, the Torah was given only to Moshe and his children, as it says [Shmos 34:27]: *Hashem said to Moshe, “Write for yourself these words,” and it is written: “Carve for yourself two stone Tablets.”* Just as the scrapings should be his, so too, the words of the Tablets should be his. However, Moshe acted generously and gave it to the Jewish people. And of Moshe, the Torah states: *A generous person will be blessed*, etc.

Rav Chisda asks: But it is written [Devarim 4:14]: *I was commanded at that time to teach you the laws and statutes?* [How can it be said that the Torah was only for Moshe?]

The *Gemora* answers: Moshe was commanded to observe the Torah, but he decided on his own to teach the Torah to them.

The *Gemora* asks: But it is written: *Behold, I have taught you laws and statutes, as Hashem my God commanded me?*

The *Gemora* answers: Moshe was commanded to observe the Torah, but he decided on his own to teach the Torah to them.

The *Gemora* asks: But it is written [Devarim 31:19]: *And now, write yourselves this song, and teach it to the Children of Israel; put it in their mouth?*

The *Gemora* answers: This verse only refers to the Song of Ha’azinu.

The *Gemora* asks: But the verse continues: *In order that this song shall be for Me as a witness among the Children of Israel?* [This would indicate that that there are other parts of the Torah that Israel is obligated to observe!]

The *Gemora* answers: (*It is obvious that the Torah was intended for the entire Jewish people.*) The method to derive keen insights from the text of the Torah was given exclusively to Moshe; this, he gave over on his own to the Jewish people.

Rabbi Yochanan said: The Holy One, Blessed be He, rests His presence (*prophecy*) only on someone who is strong, rich, wise and humble. These requirements are derived from Moshe.

The *Gemora* proceeds to cite verses which demonstrate that Moshe had all these qualities.

Moshe was strong, for it is written: *And he spread the tent over the Tabernacle*; and a master said: Moshe, our teacher, spread it; and it is also written: *Ten cubits shall be the length of the board*. [This then was the height of the Tabernacle: to have spread the tent over it, he must have been extremely tall, and presumably correspondingly strong.]

The Gemora asks: Perhaps he was tall but little (in strength)?

The Gemora answers: Rather, it is derived from that which is written: *And I took the two Tablets and cast them out of my two hands, and I broke them*. It was taught in a Baraisa: The two Tablets were six *tefachim* in length, six in width, and three in thickness. They were placed lengthwise in the ark (*one next to the other*). [These were obviously very heavy, and to throw them to the ground that they will break would require considerable strength.]

Moshe was rich, as it is written: *Carve yourself*: the chips from the carving will be yours.

Moshe was wise, for Rav and Shmuel both said: Fifty gates of insight were created in the world, and all but one (the knowledge of God's essence) were given to Moshe, for it is said: *For you withheld him, by a little measure, from understanding God*.

Moshe was humble, for it is written: *Now the man Moshe was very humble*.

Rabbi Yochanan said: All the prophets were wealthy. This is derived from Moshe, Shmuel, Amos and Yonah.

The Gemora proceeds to cite verses which demonstrate that all these prophets were wealthy.

Moshe (was wealthy), because it is written: *I have not taken one donkey from them*. Now, if he meant that he did not pay a fee - was he then merely excluding himself from those who take without paying a fee? Rather, he must therefore have meant (that he did not take any) - even with a fee. [This,

presumably, was because he was wealthy, and he had his own mode of transport.]

The Gemora asks: But perhaps it was because of his poverty?

The Gemora answers: Rather, it is derived from the verse: *Carve yourself*: the chips from the carving will be yours.

Shmuel (was wealthy), because it is written: *Behold here I am: testify about me before Hashem, and before His anointed: Whose ox have I taken, or whose donkey have I taken?* Now, if he meant that he did not take an animal without paying - was he then merely excluding himself from those who take without paying? Rather, he must therefore have meant (that he did not take any) - even with paying. [This, presumably, was because he was wealthy, and he was not lacking any animals.]

The Gemora asks: But perhaps it was because of his poverty?

The Gemora answers: Rather, it is derived from the verse: *And he would return to Ramah: for there was his home*. Whereupon Rava observed that this teaches us that wherever he went, his home (i.e., provisions and domestic furnishings) went along with him (indicating that he was wealthy).

And Rava said: A greater thing is said of Shmuel than of Moshe, for in the case of Moshe it is written: *I have not taken one donkey from them*, implying even for a fee; but in the case of Shmuel, he did not hire an animal even with the (owner's) consent, for it is written: *And they said, "You have not robbed us, nor taken advantage of our willingness."*

Amos (was wealthy), because it is written: *Then Amos answered and said to Amaziah, "I am no prophet, neither am I a prophet's son, for I am a herdsman and an examiner of sycamore fruit; which Rav Yosef translated (into Aramaic): Behold, I am the owner of cattle, and possess sycamore trees in the valley.*

Yonah (was wealthy), as it is written: [And he found a ship bound for Tarshish] *so he paid the fare and boarded it*. And Rabbi Yochanan observed: He paid for the hire of the entire ship. And Rabbi Romanus said: The hire of the ship was four thousand gold dinars.

And Rabbi Yochanan said: Initially, Moshe would learn the Torah and forget it, until finally Hashem gave him the Torah as a present, as it states: *When He finished speaking to him on Mount Sinai, He gave Moshe a gift* (of the two Tablets of Testimony). (38a1 - 38a5)

Mishnah

The *Mishnah* states: The vower may feed his (*the subject of the neder*) wife and his children (*he is doing this as a mitzvah, not as paying his debt*), even though that person is required to sustain them (*this is regarded as an incidental benefit, and is permitted*). He may not, however, feed his animals, whether it is a kosher animal or one that is not (*since a fatter animal is more valuable, he is benefiting directly*).

Rabbi Eliezer says: He may feed his non-kosher animal, but not the kosher one.

They asked him: What is the difference between a non-kosher animal and a kosher one?

Rabbi Eliezer responded: Regarding a kosher animal, its spirit is in Heaven, but its body belongs to man (*since he can eat it after it is properly slaughtered*); however, regarding a non-kosher animal, its spirit and its body are Heaven's (see Ra"n Elucidated).

They said to him: Even a non-kosher animal, its spirit is Heaven's, but its body does belong to man, since if he wants, he may sell to gentiles or feed it to his dogs. (38a5 – 38b1)

Marriage as a Benefit

Rav Yitzchak the son of Chanania said in the name of Rav Huna: If one vows against deriving benefit from his fellow, he may marry his daughter to him.

Rabbi Zeira wondered: What is the case here? If you will say that the property of the bride's father is forbidden to the groom, how can the father give his (*minor*) daughter as a maidservant to him (*this should surely be forbidden*)? Rather, the case is where the property of the groom is forbidden to the bride's father. (*Rav Huna seems to be teaching us that the marriage and the subsequent obligation to support his daughter are not regarded as a prohibited benefit*.) Doesn't our *Mishnah* teach even more than this? The *Mishnah* states: The vower may feed his (*the subject of the neder*) wife and his children (*he is doing this as a mitzvah, not as paying his debt*), even though that person is required to sustain them (*this is regarded as an incidental benefit, and is permitted*). Why would you (Rav Huna) find it necessary to teach us that the bride's father may marry her off to the vower?

The *Gemora* answers: Rav Huna is actually referring to a case where the property of the bride's father is forbidden to the groom, but his daughter is a *bogeres*, and with her consent, she is permitted to be married to him (*it emerges that he is not benefiting from his bride's father*).

The *Gemora* cites a *Baraisa* supporting this explanation: If one vows against deriving benefit from his fellow, he may not marry his daughter to him. However, he may marry off his daughter who is a *bogeres* to him, since she marries him with her own consent. (38b1)

Rabbi Yaakov said: If a man imposes a vow on his son (to not derive benefit from him), in order that his son may study Torah (without interruption), he (the son) may fill a barrel of water and light the lamp for him (his father). Rabbi Yitzchak said: He is permitted to roast for him a small fish. [As these are relatively small chores, and they do not take up a significant amount of time, it will not interrupt the son's studies, and is therefore permitted.]

Rabbi Yirmiyah said in the name of Rabbi Yochanan: If a man is under a vow not to benefit from his fellow, the latter may



offer him a cup of tranquility to drink. What is that? Here (in Bavel), it has been interpreted as the cup (of wine) in the house of mourning. In the West they said: the cup of the bathhouse (that one drinks when leaving). (38b1 – 38b2)

Animals and Servants

The *Mishnah* had stated: He may not feed his animals, whether it is a kosher animal or one that is not (*since a fatter animal is more valuable, he is benefiting directly*). Rabbi Eliezer says: He may feed his non-kosher animal, but not the kosher one.

The *Gemora* cites a *Baraisa*: Yehoshua, a man of Uzza, says: He is permitted to sustain his Canaanite slaves and maidservants, but he may not feed his animals, whether it is a kosher animal or one that is not.

The *Gemora* asks: What is the reason?

The *Gemora* answers: A man's slaves and maidservants stand to be torn apart (*there is no benefit from their flesh*); however, an animal stands to be fattened (*if it's a kosher animal, it will be eaten by Jews and if it's a non-kosher one, it will be eaten by gentiles*). (38b2 – 38b3)

INSIGHTS TO THE DAF

The Ra"n Elucidated

Kosher and non-kosher animals - Rabbi Eliezer says: He may feed his non-kosher animal, but not the kosher one.

They asked him: What is the difference between the two?

Rabbi Eliezer responded: Regarding a kosher animal, its spirit is in Heaven, but its body belongs to man (*since he can eat it after it is properly slaughtered*); however, regarding a non-kosher animal, its spirit and its body are Heaven's (see Ra"n Elucidated).

They said to him: Even a non-kosher animal, its spirit is Heaven's, but its body does belong to man, since if he wants, he may sell to gentiles or feed it to his dogs.

The Ran comments that Rabbi Eliezer only permitted feeding a non-kosher animal extra food for the purpose of fattening it, because he held that since it is not being kept for eating, but rather for work, the owner does not benefit from its being fattened. On the contrary, it becomes delicate and doesn't work well. But the nourishment that is necessary for its life, Rabbi Eliezer does not permit, because in such a case he is certainly giving him benefit.

But since the *Tanna Kamma* of the *Mishnah* made a general statement that he was not allowed to feed his animal, whether non-kosher or kosher, which implies that in any case in which it is forbidden for a kosher animal, it is also forbidden for a non-kosher one. Rabbi Eliezer answered him: No, there is a case in which he is allowed to feed a non-kosher animal even though he isn't allowed to feed a kosher one.

And even though the *Mishnah* expressed it in general terms, it was relying upon what they said to Rabbi Eliezer and what he answered them. For from their discussion it is clear that even for a non-kosher animal, Rabbi Eliezer only permits extra food for the purpose of fattening it, not what is necessary for its life. The Rashba disagrees with the Ran, but his words are not clear to the Ran.

DAILY MASHAL

When HaShem has accepted the Teshuva of the Jewish people for the sin of the Eigel, He then commands Moshe to prepare for the second giving of the Torah. There are a number of major differences. The second Matan Torah is done quietly, B'Tznius, as opposed to the first one which was with thunder and lightning, and an overwhelming revelation of HaShem. The first Luchos are the product of HaShem Himself, and written also by Him. The second Luchos are prepared by Moshe, and only the writing upon them is from

HaShem. There is connection between these two ideas, but I would like to focus on the second idea.

Rashi teaches us that HaShem says to Moshe, "You broke the first Luchos, therefore you need to prepare the second ones, so I can give them to Klal Yisroel again." In order to make these second Luchos, Moshe requires the raw materials. Rashi brings one opinion, but there seem to be two opinions in the Yerushalmi. Rashi brings, that there was a quarry of precious stone in the tent of Moshe, and he carved out the Luchos from that stone. The second opinion is that it was from under the Kise HaKavod, HaShem's throne of glory.

In addition, Rashi brings what is found in the both the Bavli and Yerushalmi, that Moshe's wealth came from the parts of the stone that were carved away to make them into the shape of the Luchos. This is the source that the Gemarra brings that a Navi needs to be wealthy. The question seems to be why is this important, and why is Moshe's wealth from such a source?

Obviously, the first Luchos do not have any leftover parts. What is it about the second Luchos, that there are leftovers? And why does this not have Kedusha, but instead serves as the source for the wealth of Moshe?

Chazal teach us, and in many sources after this idea is expanded that the difference between the first and second Matan Torah, was the interface between man and the Torah. In the world of the first Luchos, man and the Torah were one entity. The Luchos were inscribed on Klal Yisroel's heart. This was a level of Torah Sh'Bichtav, with no Torah Sh'bal Peh. By just seeing the Luchos, it was known what the proper action was. After the sin, the connection was not as direct. There came into the world the aspect of Torah Sh'bal Peh. That means that there is a process of trying to reach clarity. As opposed to Torah Sh'Bichtav, where all is clear, Torah Sh'bal Peh requires clarification. As the Midrash says on the Pasuk in Eichah, "I sat in darkness as those who are dead", this is the Talmud of Bavel which requires effort and backbreaking labor to clarify.

Rabbi Rudman writes: The process of carving out the second Luchos, is similar to the study of Talmud Bavli. It is a process of carving away what is extraneous to reach the pure truth. It is possible to reach that, but it requires tremendous effort. But even more than that, the process itself is valuable, and even those parts which are carved off retain their connection to Torah.

Moshe himself remains on the level of the first Luchos. But as the one who gives Torah to the people, he has to prepare a Torah for them. In order that one should not think that it is a man-made entity, it comes from under the Kise HaKavod. The glory of HaShem is enhanced by man's involvement in the process of clarifying what His desire is. But in this world it appears in the tent of Moshe. But it does not appear as a fully formed, ready to be used piece of gem. It requires the effort of Moshe to form it.

The word used is "Psal". That means "Pasul", something incorrect, and also to carve away that which is not needed. Inherently those two meanings are one. But, when it comes to Torah even what is removed is part of Torah. The Talmud Bavli includes all the possibilities that are rejected, all the original thoughts, all the questions, all the possible answers. They are carved away to reveal the gem beneath. That is the process of preparing the second Luchos.

Moshe receives that wealth. Wealth is something above what a person needs for their existence. Moshe actually has the Torah of the first Luchos. But he receives an added gift, the Torah of the second Luchos. Chazal are teaching us that a Navi knows how to use all his gifts for Torah and to serve HaShem.

It is interesting to contrast this to the Pasuk in Yeshaya about how Avoda Zarah is made. The Pasuk says that they take a piece of wood and from half make an Avoda Zara and the other half they use to grill their steak. Avoda Zara, what is left over has no significance, even by their own misguided understanding. Torah leaves an imprint of Kedushah on all that it is connected to.