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Bava Kamma Daf 102

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The Presumed Purpose of Wood

Rav Kahana says: Whether or not regular wood is presumably used for firewood is an argument among the *Tannaim*. The *braisa* states: *Shemittah* fruit is not used for soaking flax or washing clothes. Rabbi Yosi says: It may be used for this.

The *Gemora* asks: What is the reasoning of the *Chachamim*?

The *Gemora* answers: The verse says, “For eating,” implying not for soaking or washing (*they used to soak clothes in wine*).

The *Gemora* asks: What is Rabbi Yosi’s reason?

The *Gemora* answers: The verse says, “For you,” implying for all of your needs.

The *Gemora* asks: What do the *Chachamim* do with this verse?

The *Gemora* answers: They understand it is to be compared to the verse, “for eating.” This means you may benefit from it when it is being destroyed. This is unlike soaking or washing, where the benefit is only derived after the fruit is destroyed.

The *Gemora* asks: How does Rabbi Yosi understand the verse, “For eating?”

The *Gemora* answers: He understands it is required for the following *braisa*. The *braisa* states: “For eating,” implying not for a bandage.

One might say that the verse instead means it should not be used for washing clothes. When the verse says, “For you,” it already tells us that washing is permitted. The verse “For eating” therefore must be telling us that it cannot be used for a bandage.

The *Gemora* asks: Why would you say that washing is included and a bandage is excluded (*perhaps we should say the exact opposite*)?

The *Gemora* answers: It is understandable that washing should be included as everyone needs to wash their clothes, as opposed to only a minority of people who require bandages.

The *Gemora* asks: Who is the author of the following *braisa*? The *braisa* states: “For eating,” and not for a bandage, spraying (*wine for a good smell*) on the floor, or making a medicine which induces vomiting.

The *Gemora* answers: This is according to the opinion of Rabbi Yosi. If it would be according to the *Chachamim*, the *braisa* would also list soaking and washing as being prohibited (*due to this verse*). (102a)

Two Mishnayos

The *Mishna* says: Rabbi Yehudah says if the improvement etc.

Rav Yosef sat in back of Rabbi Abba who was sitting before Rav Huna. Rav Huna said: The law follows Rabbi Yehoshua ben Karcha and Rabbi Yehudah. Rav Yosef turned his face



away. He said: It is understandable that he had to say that the law follows Rabbi Yehoshua ben Korcha, as we hold that the law is usually like the majority opinion versus a minority.

The *Gemora* asks: Which statement of Rabbi Yehoshua ben Korcha did he mean? The *braisa* states: If one had a document showing that he was owed money by an idolater, he should not collect it before their holiday (*as he will thank his idol that he was able to pay it back*). If it was not documented, he may even collect it at this time, as it is as if he is saving his money from them.

(*The Gemora continues its previous question.*) However, why did he have to say the law follows Rabbi Yehudah? His opinion is in a *Mishna* that states an argument, and then another *Mishna* later does not contain an argument, and is according to his opinion. The rule is that whenever this happens, we rule like the second *Mishna*. Why, then, did it have to be said that this is the law?

The *Gemora* explains the question further: The *Mishna* involving an argument is in *Bava Kamma*. The *Mishna* states: If someone hired a worker to dye his wool red and he dyed it black instead, or vice versa, Rabbi Meir says that he must pay for the value of the wool. Rabbi Yehudah says: If the improvement is more than the expense, he gives him the expense. If the expense is more than the improvement, he gives him the improvement. The general *Mishna* (*without an argument*) is in *Bava Metzia*. The *Mishna* states: Whoever changes or retracts from the terms (*of a deal*) has the lower hand.

The *Gemora* asks: Why indeed did Rav Huna have to say the law follows Rabbi Yehudah?

The *Gemora* answers: One might think that there is no particular to the *Mishna*, and it is therefore considered no different than a general *Mishna* which is followed by an argument.

The *Gemora* asks: What would Rav Yosef say to this claim?

The *Gemora* answers: He would say that if it is was correct, we should always say that this rule is inapplicable, as perhaps there is no order to the *Mishna* and the general *Mishna* is actually first!

The *Gemora* asks: How would Rav Huna respond to this claim?

The *Gemora* answers: He would say that this is correct (*that we always say the Mishnayos are in order*) regarding one *Mesechta* (*tractate*). However, when the *Mishnayos* in question are in two different *Mesechtos*, we indeed say that there is no order to the *Mishna*.

The *Gemora* asks: How does Rav Yosef respond to this claim?

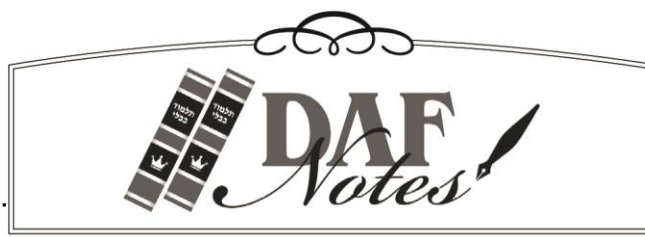
The *Gemora* answers: He understands that all of *Nezikin* (*Bava Kama, Metzia, etc.*) is like one *Mesechta*.

Alternatively, he would answer: The law is clearly like this general *Mishna*, as it is stated in the same place in *Bava Metzia* as other general *Mishnayos* which are clearly the law. The *Mishna* there states: Whoever changes or retracts from the terms (*of a deal*) has the lower hand. (102a)

Instructions

The *braisa* states: If someone gives money to his messenger (*meaning partner, and they will split the profits*) to buy for him wheat, and instead he buys for him barley, or vice versa, one *braisa* states that if they lost money, the lost money is from the portion of the messenger. If they gained money, the original sender gained. Another *braisa* states: If they lost, it is from the portion of the messenger. If they gained money, they split the profits. [*This is a contradiction!*]

Rabbi Yochanan answers: One is according to Rabbi Meir who says that change causes acquisition, and the other according to Rabbi Yehudah who says it does not cause acquisition.



Rabbi Elazar asks: How do we know this? Perhaps Rabbi Meir only said his law regarding something that was for his body (*i.e. wool to be clothes for him to wear*). However, when it comes to making money, perhaps Rabbi Meir does not say change (*if he invests in wheat or barley*) acquires? [*He just wants him to buy something that they can profit from, and doesn't really care what it is!*]

Rather, Rabbi Elozar says: Both *braisos* are according to Rabbi Meir. One is referring to eating, while one is referring to business.

They laughed about Rabbi Yochanan's answer in *Eretz Yisroel*. They said: According to Rabbi Yochanan's understanding of Rabbi Yehudah, who told the seller of the wheat that he should give the wheat to the owner of the money? [*Being that the original owner does not want wheat, it should not be a valid sale!*]

Rav Shmuel bar Sasrati asked: Who told the seller that he should give the owner of the money wheat when he indeed wants wheat?

Rabbi Avahu answered: In the case where everyone wanted wheat it is different, as he is doing what he was sent to do and is therefore considered like the owner of the monies. This is clear, as the *Mishna* states: Both someone who consecrates his possessions and dedicates his worth to *hekdesh* does not allow the caretaker of *hekdesh* to collect from the clothing of his wife or children, or with dye that he used for them, or shoes that he bought for them. Why is this so? Why don't we say, who told the person who sells the dye that he should sell him some for his wife? Rather, it is because he is being a messenger, and is doing the bidding of his wife. Here, too, it is clear he is being a messenger of the owner of the monies.

Rabbi Abba says: No, this is not the reason for the *Mishna's* law. The reason is that whenever someone consecrates his

possessions, he does not have in mind that this should include the clothing of his wife and children.

Rabbi Zeira asks: Does a person think about his *tefilin* being taken by the caretaker of *hekdesh*? Yet, the *Mishna* states: If someone consecrates his possessions, his *tefilin* are evaluated (*and he borrows money to give to hekdesh instead of the actual tefilin*)!

Abaye answers: A person indeed thinks he will give the value of his *tefilin*, as he is doing a *mitzvah*. However, he will not include the clothing of his wife and children, as this will promote hatred between them.

Rav Oshiya asked: We are talking about people who owe money due to their pledging of their value to *hekdesh*. The *Mishna* states that we take money for this against his will. Does a person ever think when he makes this pledge that money will be taken against his will?!

Rather, Rabbi Abba answers: Whoever consecrates his possessions is as if he has previously given over to his wife and children all of their clothing.

The *braisa* states: If someone buys a field in the name of his friend, we do not force him to sell it. If he says, "on condition," we do force him. What is the case of the *braisa*?

Rav Sheishes answers: If someone buys a field in the name of the Reish Gelusa (*Head Exilarch*), the Reish Gelusa cannot be forced to write a document that he is selling the field to the buyer (*as he bought it in the Reish Gelusa's name without permission*). However, if the seller told the buyer that he will only do the sale if the Reish Gelusa writes such a document, we force the Reish Gelusa to do so.

Mar (*Rav Sheishes*) said: If someone buys a field in the name of the Reish Gelusa (*Head Exilarch*), the Reish Gelusa cannot be forced to write a document that he is selling the field to the buyer (*as he bought it in the Reish Gelusa's name without permission*). This implies that the seller sold it to the Reish



Gelusa. This seems to contradict the statement of those from *Eretz Yisroel* who said, "Who told the owner of the wheat to sell wheat to the owner of the money"?

The *Gemora* answers: This is not difficult, as he told the owner of the field and the witnesses that he was buying it for the Reish Gelusa.

The *Gemora* asks: The last part of the statement is that if he said, "on condition," we force the Reish Gelusa to write the document. Why can't the Reish Gelusa say, "I am not interested in you making me into a mighty person, nor into a lowly seller of fields (*and I therefore will not write the document!*)!"

Abaye answers: If one buys a field in the name of his friend, the Reish Gelusa, he is not forced to sell it a second time. However, if he says, "I am buying it on the condition that you will sell it to me again (in my name)," he is forced to sell it again. (102a – 103a)

INSIGHTS TO THE DAF

Leniency and strictness

Chazal continue to interpret the pasuk "You shall tell them the way that they must go in and the acts that they must do." From the last phrase the Sages learn that a person needs to do more than what the letter of the law requires. Sometimes he must be strict with himself, and sometimes he must give others what he does not actually owe them. Rabbenu Yonah [Shaarei Teshuvah 3:13] writes that this mitzvah is particularly important, since Chazal remind us [Masseches Kallah Rabbasi 5:1] that Yerushalayim was destroyed because its people would not go beyond the letter of the law. On the other hand, Chazal do not see it as praiseworthy to do a mitzvah that one is not at all obligated to do; on the contrary, they tell us that "whoever is exempt from something and does it anyway is called an oaf." We need, then, to understand what the rule is here. When do we need

to be strict with ourselves beyond the law, and when is it no mitzvah to do so?

The Sdei Chemed [Klalim, Chaf §16] explains that whenever the issue is a man's behavior towards other people, even if he is completely exempt from some mitzvah, if he does it anyway he is doing a mitzvah and is not called an oaf. This is because in any event the other person benefits from his actions, so they accomplish something.

DAILY MASHAL

But in man's behavior towards Hashem, he must always consider first whether or not this particular mitzvah still applies beyond its bare requirements. If it does not, there is no benefit in what he does. For example, a man who sits in his sukkah even though the rain is drenching him is called an oaf, because there is no good in what he is doing: he is not upholding any mitzvah. But if, at a time when the mitzvah of sukkah is incumbent upon him, he is strict with himself and goes in the sukkah even to drink a glass of water, then he is praiseworthy. [Rambam, Sukkah 6:6] For, even though he is not obligated to go to this trouble, all the same, when he steps into the sukkah to have his water he is doing a mitzvah.