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Bava Metzia Daf 59

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Shaming Someone in Public

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: It would be better for a man to cohabit with a woman who might be someone else’s wife – rather than shaming someone in public.

How is this known? It is from the verse that Rava expounded: Rava expounded: What is the meaning of that which is written: *But when I limped they rejoiced and gathered ... they tore [at me] and would not be silenced?* Dovid said before The Holy One, Blessed be He: Master of the Universe! It is revealed and known to You that if my enemies were to tear my flesh, my blood would not flow out (*for it has drained from the surface of my body because of their taunts about my sin*). And not only that, but when they were engrossed in studying the tractates of *Negaim* and *Oholos* (*difficult tractates in the order of Taharos*), they interrupt their studies and say to me (*tauntingly*): Dovid! If one cohabits with another man’s wife, what is his prescribed form of execution? I said to them: If one cohabits with another man’s wife, his execution is by strangulation, but he has a share in the World to Come. However, one who makes his fellow’s face turn white from shame in public (*as you are doing to me*), has no share in the World to Come.

Mar Zutra bar Toviah said in the name of Rav, and others say that it was Rav Huna bar Bizna who said it in the name of Rabbi Shimon Chasida, and others say that it was Rabbi Yochanan who said it in the name of Rabbi Shimon ben Yochai: It is better that a man should throw himself into a

fiery furnace than that he should publicly put his neighbor to shame.

The *Gemora* asks: How do we know this concept?

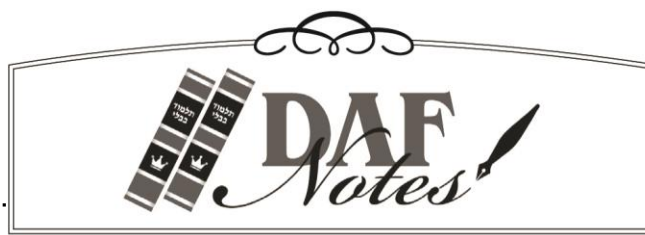
The *Gemora* answers: It is from the action of Tamar; for it is written [Breishis 38:25]: *As she was taken out, she sent to her father-in-law etc. [She chose to be burned rather than publicly put her father-in-law to shame. It was only through Yehudah’s own confession after he received her private message that she was saved.]*

Rav Chinana the son of Rav Idi said: What is the meaning of that which is written: *And a man shall not wrong his fellow?* Do not wrong a fellow from your nation that is with you in Torah and *mitzvos* (*he fulfills them*).

Rav said: One should always be mindful of wronging his wife, for since her tears are frequent, the punishment (*for wronging her*) will come quickly.

Rabbi Elozar said: Since the destruction of the Temple, the gates of prayer are locked (*and our tefillos are not answered as fast as before*), for it is written: *Even when I cry out and plead, he shuts out my prayer*. Yet though the gates of prayer are locked, the gates of tears are not, for it is written: *Hear my prayer, O God, and give ear to my cry; you will not be deaf to my tears*.

And Rav said: He who follows his wife’s advise (*without question*) will descend into Gehinnom, for it is written:



But there was none (*as wicked*) like Achav (*whom Izebel, his wife stirred up*).

Rav Pappa asked Abaye: But people say: If your wife is short, bend down and whisper to her (*and ask for her counsel*)!?

The *Gemora* answers: There is no difficulty: Rav was referring to general matters, and that which people said was referring to household affairs (*for regarding the house, her judgment is better*). Another version: Rav was referring to religious matters, and that which people said was referring to mundane questions.

Rav Chisda said: All gates are locked except for the gates (*through which pass the cries*) of wronged people, for it is written: *Behold God stood by a wall made with a plumb line, and in His hand was a plumb line*.

Rabbi Elozar said: All sins are punished through an agent except for wrongful treatment, for it is written: *And in His hand was a plumb line*.

Rabbi Avahu said: There are three sins before which the Curtain (*which separates God and His Heavenly hosts*) is not closed (*and He punishes immediately*): Wronging, robbery and idolatry. The *Gemora* cites Scriptural verses to prove this.

Rav Yehudah said: One should always make sure that he has enough grain in his house, for otherwise, there will be quarrels in his house.

Rav Chinana bar Pappa said: One should always make sure that he has enough grain in his house, for the Jewish people were called impoverished because they lacked grain.

Rabbi Chelbo said: One must always be careful about the honor due to his wife, because blessings come to a man's

home only on account of his wife, for it is written: *And he treated Avram well on account of her (Sarah)*. And thus did Rava say to the people of Mechoza: Honor your wives so that you should become wealthy. (58b – 59a)

Rabbi Eliezer and the Chachamim

The *Gemora* cites a *Mishna* (Keilim 5:10): If an oven (*of earthenware*) was cut up into sections and sand (*used as cement*) was placed between the sections (*and then it (the oven) came into contact with tumah*), Rabbi Eliezer declares it *tahor* (*for the sand was never baked; it is therefore regarded as an unbaked earthenware utensil, and therefore it is not susceptible to tumah*), and the *Chachamim* say it is *tamei* (*for the sections were made from hardened earthenware*). This is what was known as the oven of a coiled serpent.

Why was it called this way? Rav Yehudah said in the name of Shmuel: It was because the *Chachamim* surrounded it with proofs like a coiled serpent, and then they ruled that it is susceptible to *tumah*.

The *Gemora* cites a *braisa*: On that day, Rabbi Eliezer brought forward every imaginable proof, but the *Chachamim* did not accept them. He said to them: If the *halachah* is like me, let this carob tree prove it! Thereupon, the carob tree was torn a hundred cubits from its place, and others say that it was four hundred cubits. The *Chachamim* said to him: No proof can be brought from a carob tree. Again he said to them: If the *halachah* is like me, let this stream of water prove it! Thereupon, the stream of water flowed backwards. The *Chachamim* said to him: No proof can be brought from a stream of water. He again said to them: If the *halachah* is like me, let the walls of the *Beis Medrash* prove it. Thereupon, the walls leaned and were about to fall. Rabbi Yehoshua rebuked the walls, saying: When Torah scholars are engaged in a *halachic* dispute, what right do you have

to interfere? Hence they did not fall in honor of Rabbi Yehoshua, nor did they become upright in honor of Rabbi Eliezer; and they are still leaning this way. Again he said to them: If the *halachah* is like me, let it be proven from Heaven! Thereupon, a Heavenly Voice cried out: Why do you argue with Rabbi Eliezer, seeing that in all matters, the *halachah* is like him? Rabbi Yehoshua stood up and exclaimed: Torah is not in Heaven! Rabbi Yirmiyah explained: The Torah had already been given at Mount Sinai. We pay no attention to a Heavenly voice, because Hashem has written in the Torah at Mount Sinai: *After the majority the matter shall be decided.*

Rabbi Nassan once met Eliyahu and asked him: What did the Holy One, Blessed be He, do in that moment (*when Rabbi Yehoshua declared that the Torah is not in Heaven*)? Eliyahu replied: He laughed and said: My children have defeated Me, My children have defeated Me.

They said: On that day, all objects which Rabbi Eliezer had declared *tahor* were brought and burnt in fire. Then they took a vote and excommunicated him (*for not accepting the Chachamim's opinion*). They said: Who shall go and inform him? Rabbi Akiva replied: I will go, lest an unfit person go and inform him, and cause the destruction of the whole world. What did Rabbi Akiva do? He donned black garments and wrapped himself in black, and sat at a distance of four cubits from him. Rabbi Eliezer said to him: Akiva, what is today different than any previous day? My teacher, he replied: It appears to me that your companions are removed from you. Thereupon, he too rent his garments and took off his shoes. He got off his seat and sat on the earth, while tears were streaming from his eyes. The world was then smitten: a third of the olives, a third of the wheat, and a third of the barley crop. Some say that even the dough which was in the hands of a woman spoiled.

The *Gemora* cites a *braisa*: A great calamity befell that day, for everything at which Rabbi Eliezer cast his eyes

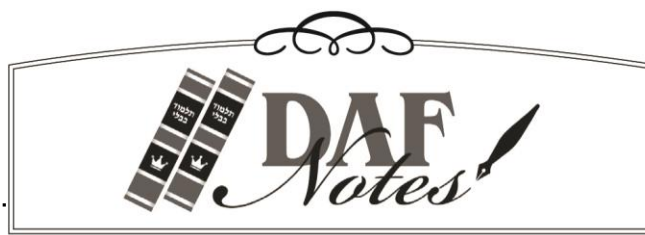
upon was burned up. Rabban Gamliel too was travelling in a ship, when a huge wave arose threatening to drown him. He said: It appears to me that this is on account of none other but Rabbi Eliezer ben Horkynus. Thereupon, he arose and exclaimed: Master of the Universe! You know very well that I have not done this for my honor, nor for the honor of my father's house, but for Your honor, so that disputes may not multiply in Israel! At that moment, the raging sea subsided.

Ima Shalom was R. Eliezer's wife and the sister of Rabban Gamliel. From the time of this incident onwards, she did not allow Rabbi Eliezer to fall upon his face (*to recite tachanun, for she was concerned that Rabban Gamliel would be harmed as a result of his prayers*). One day, she thought it was *Rosh Chodesh* (*when tachanun is not recited*), but she mistook a full month for a deficient one. Others say that a poor man came and stood at the door, and she took out some bread to him (*thus forgetting about her husband*). On her return, she found him fallen on his face (*reciting tachanun*). She cried out to him: Arise! You are slaying my brother! In the meanwhile, an announcement was made from the house of Rabban Gamliel that he had died. He questioned her: How did you know it? She replied: I have this tradition from my father's house: All gates are locked except for the gates of those who were wronged. (59a – 59b)

Paining a Convert

The *Gemora* cites a *braisa*: He who verbally pains a convert transgresses three negative prohibitions, and he who oppresses him (*to repay a debt*) violates two prohibitions. The *Gemora* emends this to say that both cases are forbidden by three injunctions.

The *Gemora* cites another *braisa*: Rabbi Eliezer the Great said: Why did the Torah warn against the wronging of a convert in thirty-six, or as others say, in forty-six, places?



It is because he has a strong inclination to do bad (*to revert to his old ways*).

What is the meaning of the verse: *You shall neither wrong a convert, nor oppress him; for you were strangers in the land of Egypt?* It has been taught: Rabbi Nassan said: Do not mention to your fellow a blemish which you yourself have. And thus is the explanation in the famous saying: If there is a case of hanging in a certain person's family, do not say to him, "Hang this fish up." (59b)

DAILY MASHAL

When the Rebbe of Bahush Admonished a Rich Man

The Rebbe of Bahush, Rabbi Yitzchak Friedman zt"l, raised a poor orphan with partial leprosy in his home. A wealthy man once visited the Rebbe and insulted the forlorn boy. The Rebbe admonished his guest: "Chaza"l said that he who shames his fellow in public loses his portion in the World to Come. Rich as you are, you probably think they meant only a person who shames his fellow and not someone inferior to him. You made a big mistake. Yehudah's daughter-in-law Tamar chose to be burnt with her children to avoid shaming him. Consider Yehudah! If he hadn't confessed but let her be killed, there could be no one lower than he and yet she refused to shame him. You surely have no justification to insult an orphan!"

The Righteous and the Scoffers

Rava expounded: What is the meaning of that which is written: *But when I limped they rejoiced and gathered ... they tore [at me] and would not be silenced?* Dovid said before The Holy One, Blessed be He: Master of the Universe! It is revealed and known to You that if my enemies were to tear my flesh, my blood would not flow out (*for it has drained from the surface of my body because of their taunts about my sin*). And not only that, but when they were engrossed in the studying the

tractates of *Negaim* and *Oholos* (*difficult tractates in the order of Taharos*), they interrupt their studies and say to me (*tauntingly*): Dovid! If one cohabits with another man's wife, what is his prescribed form of execution? I said to them: If one cohabits with another man's wife, his execution is by strangulation, but he has a share in the World to Come. However, one who makes his fellow's face turn white from shame in public (*as you are doing to me*), has no share in the World to Come.

This dialogue appears somewhat strange. Were Dovid's tormentors really serious in their accusations against him regarding his taking Bathsheva? If they were, should they have not summoned him to trial? Although the *Gemora* states that a king cannot be judged, certainly the Sages of the time would have at least incriminated Dovid. How can we understand their accusations?

There is a constant struggle in the world between the righteous and the wicked. Thus struggle has manifested itself throughout history, as evidenced in the incident where Avraham and Sara miraculously conceived a child, yet there were still those who scoffed and said that Avimelech impregnated Sara. Hashem always allows room for the wicked to interpret events in their own way. When Dovid committed the act with Bathsheva, Hashem allowed for the wicked to lose their share in the World to Come by scoffing at Dovid. They were not seeking justice at all. Rather, they were looking for someone to mock, and scoffers will mock anyone, even the great Dovid, King of Israel.

The Maharsha notes that one who speaks evil slander incurs *tzaraas*, and even still their study of those laws did not prevent them from slandering Dovid. One has to guard his speech, but equally important, one must inspect his actions to ensure that he is not from the scoffers, but from those who defend and respect the righteous.



Heavenly Voice

The *Gemora* states that a Heavenly voice declared that the *halachah* follows the opinion of Rabbi Eliezer.

The *Gemora* cites the opinion of Rabbi Yehoshua: He maintains that we do not pay attention to a Heavenly voice dictating who the *halachah* should follow.

The *Gemora* in Yevamos (122a) states: A woman can get married on account of a heavenly voice. This means that if her husband went overseas and a Heavenly voice declares that her husband died, she is permitted to get married.

The Tosfos Yom Tov states that this is not referring to a Heavenly voice since we rule that one does not pay *halachic* attention to a voice emanating from heaven.

Reb Elchonon explains differently: We do not pay attention to a Heavenly voice regarding *halachic* matters because Torah is not in the heavens; it was given to human beings. The Sages of *Klal Yisroel* have the authority to resolve all *halachic* matters, not the heavens. However, a Heavenly voice can resolve a factual doubt. We would not rely on a Heavenly voice in regards to something that requires two witnesses. The Chachamim were lenient in regards to the testimony of a woman and they relied on the words of even one witness; that is why a Heavenly voice can be believed in this matter.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: If a paid custodian of *hekdesh* loses the deposit he was watching, does he still get paid?

A: No.

Q: Do we obligate a custodian of *hekdesh* to make an oath?

A: Yes.

Q: Who are the three types of people that do not come up from Gehinnom?

A: A person who has marital relations with a married woman, a person who embarrasses his friend in public, and a person who calls his friend by an embarrassing nickname.