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Bava Metzia Daf 114

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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

### **Organized Payment**

They inquired: Do we organize how a debtor should pay back his debt (*in his best interests, so that he has the ability to keep items that are essentials despite owing more money*)? Do we derive a *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah*) from *arachin* (*where we organize how a person who pledged to give a person’s value to the Temple, but has little money to pay it, should pay his debt to hekdesch with his best interests in mind*) using the word “*mach*” (*stated by both topics*), or not?

The *Gemora* attempts to answer this question by quoting a letter sent by Ravin. The letter said: I have asked this question of all of my Rabbis (*whether or not we derive this gezeirah shavah*), and they did not give me any answer. However, there was a question asked in the study house (*which is pertinent to this topic*). The question was: If someone pledges to give one *maneh* to *hekdesch*, do we also organize his debt in this fashion?

Rabbi Yaakov in the name of Bar Pada, and Rabbi Yirmiyah in the name of Ilfa, said: This can be derived through a *kal vachomer* (*literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*) from a debtor. If we do not organize the loan of a debtor, to whom the lender must give back his collateral temporarily if he needs it in the interim, certainly we do not organize the loan of a person who pledges money to *hekdesch*, whom we do

not allow to keep anything that he gives *hekdesch*, even on a temporary basis!

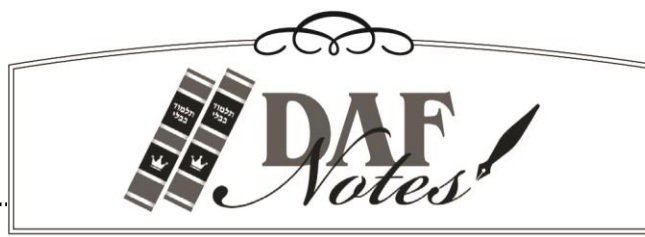
Rabbi Yochanan says: The verse says, “*neder b’erkecha*” -- “A vow with your evaluation.” This implies that just as we organize for *arachin*, we also organize for people who make pledges (*i.e. vows*) to *hekdesch*.

The *Gemora* asks: What do the other opinions derive from the verse quoted by Rabbi Yochanan?

The *Gemora* answers: They derive that a pledge is judged according to its honor (*i.e. importance*). [*Rashi explains that if a person pledges the value of a body part to hekdesch, its value is judged by whether or not the person needs that part to survive. If he does, the value of the entire person must be given to hekdesch. If he does not, he only gives the value of that limb. This law is derived from arachin, where this law is alluded to in the verse.*] Just as *arachin* is judged by importance, so too pledges are judged by importance.

The *Gemora* asks: We should derive that we organize the debt of a debtor from *arachin*. If we do organize *arachin*, and *hekdesch* does not give back him back anything temporarily, even if he needs it (the collateral) in the interim, certainly we should organize the loan of a debtor who receives his collateral back temporarily from the lender!

The *Gemora* answers: We derive from the verse, “*If he becomes poor due to the pledge of value.*” The verse implies that we organize his *arachin* debt, but we do not organize the debt of a regular person in this fashion.



The Gemora asks: What does the *Tanna Kamma* (of our *Mishna*, who clearly holds that we do organize the debt of a debtor in his best interests) do with this verse?

The Gemora answers: He derives that the person must be a poor person from the beginning (when he made the vow) until the end (until payment) to have the *arachin* organized in this fashion.

The Gemora asks: We should say that any collateral given to *hekdesh* should be returned to the person who made the pledge if he needs it, using a *kal vachomer* from a debtor. If we do return collateral temporarily to a regular debtor, and we do not organize his debt, we certainly should return collateral temporarily to people who pledge to *hekdesh*, regarding whom we do organize their debt!?

The Gemora answers: The verse states, “And he will sleep in his clothing and bless you.” This excludes *hekdesh* (from having to return his collateral), as *hekdesh* does not require a blessing.

The Gemora asks: Is this so? Doesn’t the verse say: “And you will eat, be satisfied, and bless”?

The Gemora answers: Rather, the verse says: “And to you it will be considered charity.” This excludes *hekdesh*, as it does not need charity. (114a - 114b)

### ***Eliyahu in the Cemetery***

Rabbah bar Avuha found Eliyahu ha’Navi (*Elijah the prophet*) in a cemetery of gentiles. He asked him: Do we organize the debt of a debtor?

Eliyahu answered: We derive a *gezeirah shavah* of “*michah*” from *arachin*. Regarding *arachin* the verse states, “And if he is poor (i.e. unable to afford) from the value,” and regarding a debtor the verse says, “And when your brother will become poor.”

Rabbah continued to ask: How do we know that a naked person should not take off *terumah*?

Eliyahu answered: The verse states, “And it should not be seen by you *“ervas davar”* -- “a nakedness.” [Rashi explains that this could also be interpreted as when you are speaking words of holiness (“*davar*” can mean speech, and taking *terumah* requires a blessing) nakedness should not be seen.]

Rabbah continued to ask: Aren’t you a *Kohen*? If so, how can you be standing in a cemetery?

Eliyahu answered: Did you not learn the order of *Taharos*? Rabbi Shimon ben Yochai states: The graves of gentiles do not transmit *tumah*. This is as the verse states: “Now you My sheep, the sheep of My pasture, you are man.” This implies that you (*Jews*) are called man, but not idolaters.

Rabbah answered Eliyahu’s claim about him not learning *Taharos*. He said: In four orders of the *Mishna* we have difficulty. Am I supposed to know all six orders?

Eliyahu asked: Why not?

Rabbah replied: It is a difficult time.

Eliyahu took Rabbah up to the Garden of Eden. He instructed him to spread out his cloak (possibly just the bottom of his coat, see *Toras Chaim*), and take some of the leaves that were there. Rabbah did so. When he was leaving, he heard a voice say, “Who is eating his portion in the World to Come like Rabbah bar Avuha?” He immediately shook his coat to shake away the leaves. Even so, his coat absorbed this smell. He sold it for twelve thousand *dinar*, and divided the money amongst his sons-in-law. [He did not want to benefit from it himself due to the Heavenly voice.] (114b)

### ***Taking Collateral***

The *braisa* states: “If he is a poor man, do not sleep with his collateral.” This implies that if he is rich, one could sleep



while wearing his collateral (*i.e. night clothing*). What is the verse teaching us? [*Rashi explains that the Gemora is asking that it is impossible the verse is teaching us that one could use the collateral of the rich, as this would constitute taking interest, which is forbidden according to Torah law!*]

Rav Sheishes explains: This is what it means. If he is a poor man, do not sleep while his collateral (*i.e. clothing that he needs for sleeping*) is in your house. This implies that if he is rich, one could sleep while keeping his collateral in his house (*as he can buy other night clothes*).

The *braisa* states: If someone lent money to his friend, he is not allowed to go and seize collateral; he does not have to give it back to him, and he transgresses all of these things.

The *Gemora* asks: What does this *braisa* mean?

Rav Sheishes answers: It means the following: If someone lent money to his friend, he is not allowed to go and seize collateral. If he did take collateral, he must give it back to him, and he transgresses all of these prohibitions if he does not do so.

Rava answers: It means the following: If someone lent money to his friend, he is not allowed to go and seize collateral. If he did take collateral, he must give it back to him. When is this? This is when he took the collateral after he issued the loan (*upon the order of Beis Din*). However, if he took the collateral at the time he issued the loan, he does not have to give it back, and does not transgress all of these prohibitions if he does not do so.

Rav Shizvi taught before Rava: “*Until the sun comes up you should return it to him,*” is referring to his night clothing. “*Return his collateral when the sun goes down,*” refers to his regular clothes.

Rava asked: Why would he need his regular clothes at night, and his night clothing during the day?

Rav Shizvi asked: Should I remove this teaching?

Rava answered: No. This is what it means. “*Until the sun comes up you should return it to him,*” is referring to his regular clothes that are given as collateral at night. “*Return his collateral when the sun goes down,*” refers to his night clothing that are given as collateral during the day.

Rabbi Yochanan said: If the creditor took a security from him, and later returned it to him (*if the borrower was poor, and he needed it*), and then the debtor died, the creditor may pull it away from his children (*for a security is different than ordinary movable property, and may be collected from the children for a debt of their father*).

The *Gemora* asks from a *braisa*: Rabbi Meir said: If he is required to return the security, why do we take it again? It is in order that *Shemittah* should not cancel the loan, and so that it should not be regarded as movable property in the hands of the children, if the borrower happens to die. We can infer from this *braisa* that the lender is entitled to take the security from the children as payment for his debt only if the lender went back and took the security again! Otherwise, he cannot take it from the children. [*This contradicts Rabbi Yochanan!?*]

Rav Adda bar Masna answers that the meaning of the *braisa* is as follows: Rabbi Meir said: If he is required to return the security, why do we take it in the first place? It is in order that *Shemittah* should not cancel the loan, and so that it should not be regarded as movable property in the hands of the children, if the borrower happens to die (*even if it is presently in their hands*). (114b - 115a)

## INSIGHTS TO THE DAF

### *Eliyahu's Locker Room*

The *Gemora* (Sukkah 5a) states that the presence of Hashem (*as manifested in the higher worlds*) never descended to within ten *tefachim* of the physical world. Similarly, Moshe



and Eliyahu could not ascend to within ten *tefachim* of the upper worlds.

Discussing that *Gemora*, the Chasam Sofer explains that this was only as long as Eliyahu was encumbered by his physical body. However, once his soul was freed from its body, he assumed the status of an angel, and was not bound by any of these limitations.

The Chasam Sofer proceeds to say that when Mashiach comes, Eliyahu will once again don his body and live as a human amongst the other great people of that great generation. He will be allowed to rule on any *halachic* issues (*a privilege reserved for mankind*) since at that time he will have reassumed the existence of a human being. Meanwhile, however, he has the status of an angel, and therefore he is not bound by any of the limitations imposed upon men. This applies for *halachah* as well; Eliyahu may traverse the globe on *Shabbos* to go to a *bris milah*, even though this involves traveling beyond the permitted distance, since as an angel he is not bound by *halachah*.

Our *Gemora* relates an incident where Rabbah bar Avuha encountered Eliyahu in a graveyard. Rabbah asked him how he was permitted to be there despite his being a *Kohen*. The Chasam Sofer explains that Eliyahu must have been in his body at the time, because otherwise, he would have the status of an angel, and Rabbah would have known that as such, these *halachos* do not apply to him.

#### DAILY MASHAL

##### **Adam - Unity**

Rabbi Shimon ben Yochai said: The graves of idolaters do not transmit *tumah* through the roof (*if the tumah source and a person or object is under the same roof*). He cites a Scriptural source to prove this point. It is written [Yechezkel 34:31]: *Now you my sheep, the sheep of my pasture; you are adam.* You, Israel, are referred to as "Adam," man, but an idolater is not regarded as "Adam." (*The word "Adam" is the term used in the Torah regarding the laws of tumah by way of a*

*roof; thus we see that the grave of an idolater does not transmit this tumah.*)

The Ol'los Efraim says that there are four names for man; Adam, Gever, Enosh and Ish. Each of them can be written in a singular form as well as in a plural form. However, the term "Adam" can only be written in a singular form. He explains this with our *Gemora*. Only a Jew is referred to as Adam, not an idolater. Klal Yisroel has the quality of *achdus*, uniting as one; therefore only we can be called Adam.

Using this principle, we can answer a famous question. It is written [Koheles 12:13]: *The end of the matter, all having been heard: fear God, and keep His commandments; for this is the whole man.* The Shalah comments that the verse *fear God* is referring to the negative prohibitions; the verse *and keep His commandments* is referring to the positive commandments; and the verse *for this is the whole man* is the essence of man, the two hundred and forty eight limbs and the three hundred and sixty five veins, which are corresponding to the two hundred and forty eight positive commandments and the three hundred and sixty five negative prohibitions.

There are those that ask: If so, it is impossible for any single individual to be complete; it is impossible to fulfill all six hundred and thirteen *mitzvos*. Some *mitzvos* are only applicable to a *Kohen*; some are unique to a Levi; others are only to a Yisroel; men have *mitzvos* that are only relevant to them, and women have their special *mitzvos*. How can a person be considered complete?

Perhaps the answer is because Klal Yisroel is Adam. We are all united. One person's performance of a *mitzvah* effects everyone else. If everyone does their particular *mitzvah*, Klal Yisroel can be regarded as being complete.

#### ***The Beilis Blood Libel***





The following story is printed in the Sefer Margaliyos HaShas amongst others and the text of the entire story can be found here: [shemayisrael](http://shemayisrael.com).

The Beilis Affair shook the ground under those Jews who had thought that the modern world was a more rational one, a world in which outrageous accusations might be levied but would certainly not gain credence. When Mendel Beilis was brought to trial for a blood libel accusation, it seemed that the progress of a century would be completely wiped away in an instant.

Jews around the world were stirred to action. There was also an outpouring of sympathy from non Jews who recognized the injustice and absurdity of the accusations. A progressive newspaper in Germany reported that libels that echo with the style and content of the darkest medieval times are being hurled against the Jewish minority in Russia. Diplomats, statesmen and other men of prominence urged the Russian government to retreat from this bizarre enterprise. But against this flood of outrage, the anti-Semites of the world only strengthened and increased their own accusations.

The Jewish world was in turmoil. In congregations around the globe, special daily prayers were instituted for the deliverance of Beilis and all the Jewish people. Community leaders, rabbis, chassidic rebbes and influential activists became involved. The Chazon Ish was an active participant in the fight, as were Rabbi Meir Shapiro, the Lubliner Rav, the Lubavitcher Rebbe and the Chortkover Rebbe. The main thrust of their efforts was ambitious. They sought not only to clear Beilis of the unfounded charges but also to uproot the very idea of the blood libel.

The lawyer that headed the defense team was the legendary Oscar Gruzenberg. He knew that the prosecutions attack was going to be directed against the Talmud and other works of Jewish scholarship and that the expertise in devising a defense would have to be provided by the rabbis. Rabbi

Mazeh, Chief Rabbi of Moscow, was chosen to head the rabbinic advisory team for the defense.

On October 8, 1913, right after Yom Kippur, the trial opened. The long-awaited spectacle was now under way. Jew and non-Jew in Russia and around the world awaited the outcome with breathless anticipation.

As the trial began, the indictment accused Menachem Mendel the son of Tuviah Beilis, 39, of having murdered together with other people, not discovered, under duress of mysterious religious obligations and rituals, one Andrei Yustchinsky.

The twelve jurors were carefully chosen; their identities and ideologies had been thoroughly prepared prior to the charade of the trial. The first witnesses testified to such blatant lies that the defense lawyer did not even feel compelled to discredit their testimonies. These preliminary stages were clearly a farce, and the audience, near and far, waited for the real trial to begin. At last, the parade of experts began. And the trial became an examination of the Talmud's view on various issues.

What does the Talmud say about the place from which the soul exits the body? Is it correct that the Talmud states that stealing from a gentile is permissible?

The constant refrain was about the Talmud. There, in the depths of the main courthouse of Kiev, all one could hear was Talmud. The prosecutor was prepared with an avalanche of quotes from the Halachic (legal) and the Aggadic (homiletic) portions of the Talmud. Anti-Semites around the world had done their homework and had rallied to the cause of condemning the Jewish people and the Jewish religion in a court of law.

The crucial question was posed: How dare the Jewish sages claim that [the Jewish people] are called *adam*, man, while the idol worshippers are not called *adam*?

The illustrious Rabbi Meir Shapiro was then the Rabbi of Galina. (Later, he would establish and serve as the head of the famous yeshivah of Lublin, and he would also institute the Daf Yomi.) When Rabbi Shapiro heard about attacks against the Talmud, he understood that the Talmud was being accused of inciting Jew against non-Jew. Rabbi Shapiro sent off a very clear letter to Rabbi Mazeh dealing with this accusation. He told him to explain to the court that a very important insight into the nature of the Jewish people is revealed in this Talmudic quote.

The Torah states, he wrote, that *kol Yisrael areivim zeh lazeh*, all Jews are responsible for each other. (Shevuos 39) According to this principle, it stands to reason that the fate of Mendel Beilis, for example, which is in essence the fate of one single Jew, nevertheless touches the entire Jewish people. The Jewish people tremble for his welfare and would do everything in their power to remove the prisoner's collar from him. What would have been the reaction of the gentile world if one specific gentile had been accused of a similar crime and was standing trial in a faraway country? Clearly, no more than the people of his own town would show any interest in the libel. Perhaps, at most, people in other parts of his own country would criticize the proceedings. But people in other countries? They certainly wouldn't take a personal interest in him.

This, therefore, is the difference between the Jewish people and all other peoples. The Jews are considered *adam*, the singular form of the word man, an indication of the extreme solidarity of the Jewish people. For us, when one Mendel Beilis is put on trial, the entire Jewish world stands at his side like one man. Not so the other peoples of the world. They may very well be considered *anashim*, the plural form of the word man, but they cannot be considered *adam*, a nation that stands together as a single man.

There is no way of knowing which particular effort of which particular rabbis may have had some impact on the trial. All in all, however, the concerted efforts of the Jews bore out the interpretation of Rabbi Meir Shapiro that you [the Jewish

people] are called *adam*, for the Jews did set aside their internal differences and stood together as one man until the verdict of not guilty was returned.

### Leaving the Garden of Eden

Eliyahu took Rabbah up to the Garden of Eden. He instructed him to spread out his cloak (*possibly just the bottom of his coat, see Toras Chaim*), and take some of the leaves that were there. Rabbah did so. When he was leaving, he heard a voice say, "Who is eating his portion in the World to Come like Rabbah bar Avuha?" He immediately shook his coat to shake away the leaves. Even so, his coat absorbed this smell. He sold it for twelve thousand *dinar*, and divided the money amongst his sons-in-law.

The Vilna Gaon's brother asks: Why only the leaves and what was he thinking? Isn't it well known that nothing can leave the Garden of Eden?

He explains: It is written: *aleihu lo tibol* -- leaves will not wither. The fruit represent the mitzvah. That is reserved for the World to Come. That cannot be removed. The leaves protect the mitzvah. That is the daily life of a person; his eating, dining, shmuesing, etc. That - he thought he could take out. The Heavenly Voice responded that even that is so great and the reward is so immense that it cannot leave the Garden of Eden.