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Disregarded Admissions

The *Gemora* cites a *braisa*: If a man says to them (*the sons of a deceased person*), “I saw your father hiding money in a box, a chest, or a closet, and he told me that it belonged to So-and-so, or that it was for the redemption of *ma’aser sheini*”: if the hiding place is in the house, his statement means nothing, but if it is in a field, his words are valid. This is the general rule: Wherever the witness has access to the hiding place, his statement has validity (*for he could have taken the money himself*), but if he did not have access to it, his statement is worthless.

If the heirs saw their father hide money in a box, chest or a closet, and he said, “It belongs to So-and-so, or that it was for the redemption of *ma’aser sheini*”: if his words sounded like he was giving them instructions, his words stand; but if it was in the nature of a deception, his words have no value.

If one felt worried over some money which his father had left him (*for he could not locate it*), and the Master of Dreams (*the angel appointed over dreams*) appeared to him and said that there is such-and-such amount of money, and it is such-and-such a place, but it was for the redemption of *ma’aser sheini* - such an incident once occurred, and the Rabbis ruled that dreams have no consequence at all (*and he can use the money as he pleases*). (30a)

Written Verdict

The *Mishna* had stated: If two said that he was not liable

and one said that he is liable, the *halachah* is that he is not liable. The verdict is then announced anonymously.

The *Gemora* asks: How is the verdict written down? Rabbi Yochanan said: They write: The defendant is not liable (*without writing which judge held what*). Rish Lakish said: They write: So-and-so and So-and-so (*of the judges*) find that he is not liable, or So-and-so and So-and-so find that he is liable. Rabbi Elozar said: They write as follows: As a result of the words of the judges (*indicating that it was a divided opinion*), it was decided that he is not liable.

The *Gemora* notes that the difference between these opinions would not be in a case where the judges made a mistake in judgment and are therefore obligated to compensate the litigant who was wronged, for according to Rabbi Yochanan (*who holds that they merely write that the defendant is not liable*), the dissenting judge would not be required to pay, for he can say, “If you would have listened to me, you would have issued the correct ruling.” The other two judges would not be required to pay the third judge’s share, for they can tell him, “If you would not have been sitting with us, there would not have been any judgment at all.”

Rather, the difference must be regarding the following prohibition: *You shall not be a gossipmonger among your people*. Rabbi Yochanan says: The judges write: He is not liable, because of this injunction against gossip mongering (*for it is not pertinent at all to know what each individual judge said*). Rish Lakish holds that they write: So-and-so and So-and-so (*of the judges*) find that he is not liable, or



So-and-so and So-and-so find that he is liable since otherwise (*if they merely write the ruling*), the verdict would appear as a falsehood (*for it would sound like the ruling was undisputed*). Rabbi Elozar agrees with both of them, and therefore they write: As a result of the words of the judges (*indicating that it was a divided opinion*), it was decided that he is not liable. (30a)

Combining Testimonies

The *Mishna* had stated: When they reached a verdict they would bring them in.

The *Gemora* explains that it cannot be referring to the litigants, for they were present the entire time. It must be referring to the witnesses.

The *Gemora* notes that this seemingly would not be in accordance with Rabbi Nassan, for it was taught in a *braisa*: Two witnesses cannot join together to offer testimony unless they saw the event together. Rabbi Yehoshua ben Korchah holds that two witnesses may join together to offer testimony even if they witnessed the event one after the other. Another dispute: Two witnesses cannot be combined if they do not testify together. Rabbi Nassan, however, says: We will listen to the testimony of one witness today, and when his friend comes to testify tomorrow, we will listen to him. [*It would seem that Rabbi Nassan holds that the two witnesses are not required to return to Beis Din to testify together.*]

The *Gemora* rejects this interpretation of the *Mishna* and explains that we actually are referring to the litigants (*they are brought back in*), for it is following Rabbi Nechemiah's opinion, who states in a *braisa*: This was the custom of the pure-minded people in Yerushalayim: First the litigants were brought in and their statements heard; then the witnesses were brought in and their statements heard. Then they were sent out, and the matter was debated. When they reached a verdict, they would bring them back

in.

The *Gemora* notes that a *braisa*, which explicitly taught that the witnesses would be brought in by the verdict, is certainly not agreeable with Rabbi Nassan.

It was mentioned above: Two witnesses cannot join together to offer testimony unless they saw the event together. Rabbi Yehoshua ben Korchah holds that two witnesses may join together to offer testimony even if they witnessed the event one after the other.

The *Gemora* notes that the argument can be based on how they each interpret a certain verse, or alternatively, it may be explained based upon logic.

The argument based on logic is as follows: The *Tanna Kamma* argues that the *maneh* to which this one testifies, the other one is not testifying about, and the *maneh* to which the other one testifies, this one is not testifying about (*therefore they do not combine for one testimony*). Rabbi Yehoshua ben Korchah holds that, after all, both are testifying regarding a *maneh* in general (*and therefore, the two testimonies can combine together*).

Alternatively, they differ in respect to the following Scriptural verse: *And he is a witness - either he has seen or known of it*. And, it has been taught in a *braisa*: *One witness will not arise against a man* etc. Being that the verse said "witness," why bother saying "one?" [*"Witness" by definition is singular.*] This teaches us that generally, whenever the word "witness" is mentioned in the Torah, it refers to a pair of witnesses, unless specified. And the Torah expressed it in the singular to teach that the witnesses must see the event together as one man. And the other *Tanna* holds that since it is written, "*And he is a witness - either he has seen or known of it,*" this teaches us that in all circumstances, their testimonies may be combined.



It was mentioned above: Two witnesses cannot be combined if they do not testify together. Rabbi Nassan, however, says: We will listen to the testimony of one witness today, and when his friend comes to testify tomorrow, we will listen to him.

The *Gemora* notes that the argument can be based upon logic, or alternatively, it may be explained based on how they each interpret a certain verse.

The argument based on logic is as follows: The *Tanna Kamma* argues that a single witness comes only to impose an oath upon someone, but he has no effect regarding a monetary obligation (*therefore, they cannot combine together*). Rabbi Nassan holds that even when they appear together, they do not testify with one mouth; nevertheless, their testimony is combined. So too when they come separately, their testimony may be combined.

Alternatively, they differ in respect to the following Scriptural verse: *If he does not testify, he shall bear his sin*. Now, both agree with the Rabbis who disagree with Rabbi Yehoshua ben Korchah (*and hold that both witnesses must witness the same event*). They differ as to whether testifying is compared to the seeing. The *Tanna Kamma* maintains that testifying is compared to seeing (*and they must testify together*). Rabbi Nassan, however, holds that they are not compared to each other.

Rabbi Shimon ben Elyakim was trying hard to have Rabbi Yosi the son of Rabbi Chanina ordained, but he was not successful. One day, he was sitting before Rabbi Yochanan, and Rabbi Yochanan asked them if anyone knows whether the *halachah* follows Rabbi Yehoshua ben Korchah or not. Rabbi Shimon ben Elyakim replied that Rabbi Yosi the son of Rabbi Chanina knows. Rabbi Yochanan said: Let him then tell us now. Rabbi Shimon ben Elyakim said: Let the master first ordain him. So, Rabbi Yochanan ordained him and then asked: My son, what have you heard regarding this matter? Rabbi Yosi the son of Rabbi Chanina replied: I heard that

Rabbi Yehoshua ben Korchah agreed with Rabbi Nassan that the testimony does not need to be given simultaneously. Rabbi Yochanan exclaimed: Did I need this (*it is obvious*)? If Rabbi Yehoshua ben Korchah maintained that the witnessing of the event need not have been together, is there any question regarding the giving of the testimony (*that it does not have to be simultaneously*)? However, he said to him: Since you have ascended, you need not descend. Rabbi Zeira said: We may infer from this that once a great man is ordained, he remains ordained (*even if it was under somewhat false pretenses*).

Rabbi Chiya bar Avin said in the name of Rav: The *halachah* is in accordance with Rabbi Yehoshua ben Korchah in respect to both real (*each witness testifies that a fellow admitted to him that a certain parcel of land belongs to someone else*) and movable property (*each witness testifies that a fellow lent someone else a maneh in front of him*). Ulla said: The *halachah* follows Rabbi Yehoshua ben Korchah only in respect to real property, but not regarding movable property.

Abaye said to him: By saying that the *halachah* is in accordance with Rabbi Yehoshua ben Korchah regarding real property, you are implying that the Rabbis dispute him in this case; but did not Rabbi Abba say in the name of Rav Huna, who said in the name of Rav that the Rabbis agree with Rabbi Yehoshua ben Korchah in respect to testimony concerning real property (*for he was admitting on the same piece of property*)? And furthermore, Rav Idi bar Avin taught a *braisa* from Karna's compilation of the Order of Nezikin: The Rabbis agree with Rabbi Yehoshua ben Korchah in respect to testimony regarding a firstborn animal (*if two witnesses each testify about a different blemish, their testimony is accepted and the animal may be slaughtered and eaten*), real property, *chazakah* (*if two witnesses each testify that a fellow occupied this property for a different set of three years, their testimony is accepted, and the occupier establishes a chazakah*) and the symptoms of adulthood in males and females likewise (*if*



two witnesses each testify regarding a different body hair, the testimony is accepted, and he or she is regarded as an adult)?

The *Gemora* answers: Why are you asking from one viewpoint on another? Ulla holds that they do differ, and Rabbi Abba holds that they do not.

The *Gemora* discusses the case where the witnesses are testifying regarding the adulthood of a boy or a girl.

It cannot be referring to a case where (*in an attempt to prove that a girl has become an adult*) one witness testified that there was one hair on her back and the other testifies that there was one hair on her stomach, for since each hair is testified to by only one witness, would this not be both half a matter and half a testimony (*for there are not two witnesses testifying on each hair*)?

The *Gemora* answers: It must be in reference to a case where one witness testified that there were two hairs on her back and the other witness testified that there were two hairs on her stomach.

Rav Yosef said: I said in the name of Ulla that the *halachah* follows Rabbi Yehoshua ben Korchah in respect to both real and movable property, but the Rabbis who came from Mechuza said in the name of Rabbi Zeira that the *halachah* is in accordance with Rabbi Yehoshua ben Korchah regarding real property, but not with respect to movables.

The *Gemora* notes: Rav is following his own line of reasoning, for Rav said: An admission after an admission (*where one witness testifies that a fellow admitted before him on Sunday that he owed money to another, and another testifies that he admitted to him on Monday*), or an admission after a loan (*where one witness testifies that a fellow loaned another money on Sunday, and another testifies that he admitted to him on Monday that he owes the other money*) may be combined (*for they are both*

testifying regarding the same money). However, a loan after a loan (*where they are obviously referring to two different loans*), or a loan after an admission (*where the admission was obviously not in reference to the loan*) cannot be combined.

Rav Nachman bar Yitzchak found Rav Huna the son of Rav Yehoshua and said to him: Why in the case of a loan after a loan, do the two witnesses not combine? It is because the loan that one witnessed was not witnessed by the other! If so, in the case of an admission after an admission as well, they should not combine, for the two admissions are not necessarily the same!?

Rav Huna replied: The case Rav was referring to was one where the second witness testified that the fellow said, "The *maneh* which I am admitting to you about is the same *maneh* to which I admitted to before So-and-so."

Rav Nachman asked him: But the first witness does not know that!?

Rav Huna responded: The case must be where he returns to the first witness and says, "The *maneh* which I previously admitted to you about is the same *maneh* to which I admitted to before So-and-so."

Rav Nachman said: Your mind should be placed at ease, for you have placed my mind at ease.

Rav Huna, nevertheless, asked him: Why is your mind at ease with that answer? Why, Rava, or according to others - Rav Sheishes, swung an axe at it (*disproving it*)!? Would the case then of the admission after the admission not be the same as the admission after a loan (*where we would have to say that he returned to the first witness and told him that he admitted before the second one*)?

Rav Nachman told him: This corresponds to what I have heard about the people from your town, that you tear



down trees and then plant them again (*for you first answered the question and then brought it back to life*)!

The Nehardeans said: Whether it is an admission after an admission, or an admission after a loan, or a loan after a loan, or a loan after an admission, the two testimonies may be combined. This is in accordance with Rabbi Yehoshua ben Korchah. (30a – 30b)

DAILY MASHAL

Dreams

If one felt worried over some money which his father had left him (*for he could not locate it*), and the Master of Dreams (*the angel appointed over dreams*) appeared to him and said that there is such-and-such amount of money, and it is such-and-such a place, but it was for the redemption of *ma'aser sheini* - such an incident once occurred, and the Rabbis ruled that dreams have no consequence at all (*and he can use the money as he pleases*).

The Rem" a (Y" D: 259:6) writes that if he would be told in a dream that the money of his father belongs to charity, he is not required to listen, and he may use the money as he pleases.

The Tashbatz (II § 128) explains that this is because some dreams are truthful, but there are some that are not; since there is a doubt, we cannot take the money away from its presumed status.

It is noteworthy that there are many times that the Rishonim relied upon a dream to clarify an uncertainty in *halachah* – sometimes they would rule accordingly, and other times, they would retract from their ruling based upon a dream. There is such a concept as a "*shailas chalom*," where one asks beforehand for a response to a specific question. Nevertheless, the *poskim* (see shach

C" M: 333:25) rule that dreams have no consequence, and they should not be relied upon at all.

HALACHAH ON THE DAF

Dreams: Fantasy, or Prophecy?

The *Gemora* declares that dreams have no value. The Tashbatz (II § 128) takes issue with this statement, for we find many other places in Shas which clearly indicate that Chazal gave credence to dreams (*to name a few; Nedarim 8a, Brachos 55a, Yevamos 93b*).

He explains with a *Gemora* in Brochos (55b) that differentiates between a dream that came through an angel, and a dream that came through a *sheid* (demon). Therefore he concludes that any *Gemora* that gives credence to dreams must have been referring to dreams that were instigated by an angel, whereas a *Gemora* that considers a dream worthless must be referring to a dream brought about by a *sheid*.

Based on this, he explains why there is a need to fast on the day following the night of the dream (*ta'anis chalom*).

The Shulchan Aruch (O" C 220:1) rules that one who had a disturbing dream and it distresses him, he should make a *hatavas chalom* in front of three friends, and they should tell him "you dreamt a good dream...." This recital, in which the potency of the bad dream is nullified, is printed in many *siddurim*. This should be done in the morning, and during the recital he should remind himself of the dream. When one has a bad dream, it is a *mitzvah* to recite the *hatavas chalom*, even on *Shabbos*.

A powerful antidote to a bad dream is fasting. The Rem" a adds that this only applies to that day, and one may fast a *ta'anis chalom* even on *Shabbos*. The Mishnah Berurah and others point out, that the fasting must be accompanied with repentance. It is important to note that there isn't an obligation to fast; rather, it is a suggested remedy.