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Raising Small Animals

Rabban Gamliel was asked by his students whether it was permissible to raise small domesticated animals in *Eretz Yisroel*. He said to them: It is permitted.

The *Gemora* asks: But did we not learn in our *Mishna*: One may not raise small domesticated animals in *Eretz Yisroel*!?

The *Gemora* answers: What they really were asking him was if it was permitted to retain them (*after thirty days and after the festival*). He said to them: It is permitted, provided that they do not go out and graze with the herd, but rather, they should be fastened to the legs of the bed.

The *Gemora* cites a *braisa*: There was once a certain pious person who groaned from (*a pain in*) his heart and they consulted the doctors as to what can be done. They said that there was no remedy for him unless he sucked warm milk (*from a live animal*) every morning. A goat was brought to him and fastened to the legs of the bed, and he sucked from it every morning. After several days his colleagues came to visit him, but as soon as they noticed the goat fastened to the legs of the bed they turned around and said: Armed robbers are in the house of this man (*for otherwise, why would he have an animal that will graze illegally in other people’s fields?*), how can we come in to see him!? They sat down and inquired into his conduct, but they did not find any fault in him except this sin about the goat. He also, at the time of his death, proclaimed: I know that I have no sin save that of the goat, when I transgressed against the words of my colleagues.

Rabbi Yishmael said: My father’s family came from the property owners in the Upper Galilee. And why were they destroyed? It was because they used to graze their flocks in forests (*although*

these were privately owned, it was permitted, for Yehoshua decreed that the forest owners must allow their neighbors to graze there), and they would judge monetary cases without a colleague. The forests were very near to their houses, but there was also a little field (*belonging to others*) in between, and the animals were led by way of this (*and they were punished for grazing in these fields on the way to the forest*).

The *Gemora* cites a *braisa*: If a shepherd desires to repent (*for grazing his small animals in Eretz Yisroel*), we do not order him to sell them immediately, but he may sell them little by little. So too also in the case of a convert to whom dogs and pigs fall as an inheritance, we do not order him to sell them immediately, but he may sell them little by little. So too also, if one vows to buy a house and to marry a woman in *Eretz Yisroel*, we do not order him to acquire them immediately, rather, he should wait until he finds a house or a woman suitable for him.

The *braisa* relates an incident: There was once a woman who was being annoyed by her son. She jumped up and swore, “Whoever will come forward and offer to marry me, I will not refuse him,” and as unsuitable persons offered themselves to her, the matter was brought to the Sages, who thereupon said: Surely this woman intended her vow to apply only to a suitable person.

The *Gemora* cites a *braisa*: Just as the Sages said that one may not raise small domesticated animal in *Eretz Yisroel*, so also have they said that one may not raise small undomesticated animals there. Rabbi Yishmael said: One is however allowed to raise small dogs, cats, monkeys and *chuldos sena’im*, as these help to keep the house clean (*from mice*).

The *Gemora* asks: What are *chuldos sena’im*?



Rav Yehudah replied: A certain creeping digging animal (*weasel*). Some say that it is a stinging animal with thin legs which pastures among the bushes. The reason why it is called creeping is because its legs are short and underneath it (*porcupine*).

Rav Yehudah said in the name of Rav: We put ourselves in Bavel with respect to the *halachah* of raising small domesticated animals on the same footing as if we were in *Eretz Yisroel*.

Rav Adda bar Ahavah said to R. Huna: What about your small animal?

He answered him: Ours are guarded (*so as not to graze in the fields*) by Chovah (*my wife*).

Rav Addah bar Ahavah asked: Does she wish to bury her children (*for Rav Adda held that a woman is also forbidden from rounding the corners of a man's head*)? And all the years that Rav Adda bar Ahavah was alive, Rav Huna's children did not survive (*on account of Rav Adda's curse, even though it was not intended in that manner*).

There were those that cited a different version: Rav Huna said in the name of Rav: After Rav came to Bavel (*and established a Beis Medrash in Sura*), we put ourselves in Bavel with respect to the *halachah* of raising small domesticated animals on the same footing as if we were in *Eretz Yisroel*.

Rav and Shmuel and Rav Assi once met at a circumcision of a boy, or as some say, at the house for the salvation of a son (*the redeeming of a firstborn*). Rav would not enter before Shmuel, nor Shmuel before Rav Assi (*for Rav Assi was greater*), nor Rav Assi before Rav (*for Rav Assi was Rav's student*). They therefore discussed who should go in last, and they decided that Shmuel should go in last, and that Rav should enter and then Rav Assi.

The *Gemora* asks: But perhaps either Rav or Rav Assi should have been last?

The *Gemora* answers: Rav (*in the beginning*) was merely paying a compliment to Shmuel, because of the occasion when he cursed Shmuel (*for Shmuel had prescribed for Rav a certain treatment, which caused him distress; Rav cursed the person*

who did this to him that he should not be survived by sons; this resulted in Shmuel only having daughters); for that reason, Rav honored him (*and did not want to enter before him*).

Meanwhile a cat had come along and bitten off the hand of the child. Rav thereupon went out and expounded: It is permissible to kill a cat and it is a sin to keep it; the law of theft does not apply to it, nor that of returning a lost object to its owner.

The *Gemora* asks: Since you have stated that it is permissible to kill it, why is it necessary to state that it is a sin to keep it?

The *Gemora* answers: You might perhaps think that although it is permissible to kill it, there is still no sin committed in keeping it; Rav teaches us that it is indeed forbidden to keep it as well.

The *Gemora* asks: Since you have said that the law of theft does not apply to it, why is it necessary to state that the law of returning a lost object to its owner does not apply to it?

Ravina answers: This refers to the skin of the cat (*that the finder is not obligated to return that either*).

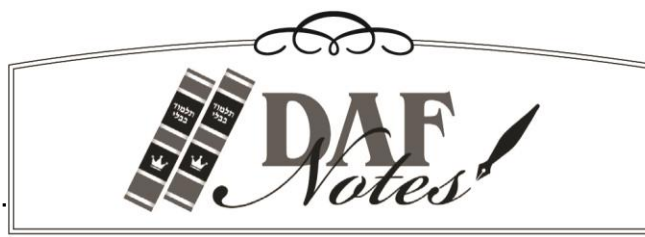
The *Gemora* asks on Rav from a *braisa*: Rabbi Shimon ben Elozar says: It is permissible to raise small dogs, cats, monkeys and *chuldos sena'im*, as these help to keep the house clean (*from mice*). [*This contradicts Rav, who ruled that one may not raise cats!?*]

There is, however, no contradiction, as the *braisa* refers to black cats (*which are not dangerous at all*), whereas Rav deals with white ones (*and those attack humans*).

But, the *Gemora* asks: Was not the incident in the case of Rav done by a black cat?

The *Gemora* answers: It was indeed a black cat, but it was the offspring of a white one.

The *Gemora* asks: But isn't this the case about which Ravina inquired? For Ravina inquired: What is the *halachah* in the case of a black cat which is the offspring of a white one?



The *Gemora* answers: Ravina's inquiry was where the black cat was the offspring of a white one which was in its turn an offspring of a black cat, whereas the incident in the case of Rav occurred through a black cat which was the offspring of a white one that was similarly the offspring of a white cat. (80a – 80b)

Dictums from Rav Pappa's Sons

(Mnemonic: *HaBaD BiH BaHaN*). Rabbi Acha bar Pappa said in the name of Rabbi Abba bar Pappa who said it in the name of Rabbi Adda bar Pappa, or, as others say, Rabbi Abba bar Pappa said in the name of Rabbi Chiya bar Pappa who said it in the name of Rabbi Acha bar Pappa, or, as even others say, Rabbi Abba bar Pappa said in the name of Rabbi Acha bar Pappa who said it in the name of Rabbi Chanina bar Pappa: It is permissible for the public to cry out even on *Shabbos* for the purpose of relieving the epidemic of itching (*from boils*); if the door to prosperity has been shut to an individual, it will not speedily be opened; and when one buys a house in *Eretz Yisroel*, the contract may be written even on *Shabbos*.

The *Gemora* asks from the following *braisa*: Regarding any other misfortune that might burst forth upon the community, such as itching (*from boils*), locusts, hornets, mosquitoes and snakes and scorpions which are dispatched by Hashem; they would not cry out but they would call out individually to Hashem and beg for mercy. [*Does this not prove that the community does not cry out on Shabbos on account of boils?*]

The *Gemora* answers: There is no contradiction, as the *braisa* refers to moist boils, whereas the former deals with dry boils (*which are more severe*), as Rabbi Yehoshua ben Levi said: The boils brought upon the Egyptians by the Holy One, blessed be He, were moist on the outside but dry within, as it says: *And it became a boil with blisters erupting upon man and upon beast.*

It was stated above: If the door to prosperity has been shut to an individual, it will not speedily be opened.

The *Gemora* asks: What does this mean?

Mar Zutra answers: It is referring to *semichah* (*ordination; once we have decided not to ordain someone with the title of*

"Rabbi," it will be very difficult for it to be accomplished at a later date).

Rav Ashi answers: One who was treated badly will not quickly be treated well. Rav Acha of Difti said: He will never be treated well.

The *Gemora* notes: This (*that which Rav Acha said*), however, is not so; for Rav Acha of Difti stated this based upon his own personal experience (*where once he was passed over to head the Yeshiva, he was never afforded the opportunity again*).

It was stated above: When one buys a house in *Eretz Yisroel*, the contract may be written even on *Shabbos*.

The *Gemora* asks: Is it possible that he really meant *Shabbos* (*writing on Shabbos is prohibited according to Torah law*)?

The *Gemora* answers: Rather, it is as Rava said that one is permitted to have a non-Jew perform labor for him on *Shabbos* (*to benefit a sick person who is not in deathly danger*). So too here, one can have the sale document written on *Shabbos* by an idolater. And even though one is prohibited according to Rabbinic law from telling a non-Jew to do work for him on *Shabbos*, because of the positive command to settle *Eretz Yisroel*, this is permitted.

Rabbi Shmuel bar Nachmeini said in the name of Rabbi Yonasan: He who purchases a town in *Eretz Yisroel* can be compelled to purchase with it the roads leading to it from all four sides on account of the positive command to settle *Eretz Yisroel*.

INSIGHTS TO THE DAF

Seudas Mitzvah

By: Reb Avi Lebowitz

The *Gemora* tells Rav and Shmuel and Rav Assi once met at a circumcision of a boy, or as some say, at the house for the salvation of a son (*the redeeming of a firstborn*). Rav would not enter before Shmuel, nor Shmuel before Rav Assi (*for Rav Assi was greater*), nor Rav Assi before Rav (*for Rav Assi was Rav's*

student). They therefore discussed who should go in last, and they decided that Shmuel should go in last, and that Rav should enter and then Rav Assi.

Rashi comments that the “week of the son” refers to a *bris milah*, whereas the “salvation of the son” refers to a party that was done for the *pidyon haben* (*redemption of the firstborn*).

The Maharsha points out that from Rashi we find a source for making a party for *pidyon haben*, but it is not a source for making a party for a *bris milah*.

The Maharsha seems to understand that the requirement to make a party for *pidyon haben* is better sourced than the requirement to make one for *bris milah*. However, the Maharshal (Yam Shel Shlomo 37), in his famous discussion about *seudas mitzvah* asks a question from the *Gemora* in Chulin 95b which states that Rav did not partake in any “voluntary” feast!? Why then was Rav participating in this *seudah*? The Maharshal explains that by *milah*, the feast itself is a *mitzvah* just like it is by a wedding, however, there is no *mitzvah* to have a party by *pidyon haben*. The Maharshal clearly understands that whether it was *milah* or *pidyon haben*, Rav was joining and eating at the party. He assumes that the requirement to have a *seudah* for *milah* is more basic than having one at *pidyon haben*. Since the *seudah* of *pidyon haben* is only voluntary, how could Rav join and eat? [Evidently he holds that it is not a *mitzvah* at all by *pidyon haben*!]

From this, the Maharshal is *mechadesh* a major *yesod* that any *seudah* whose purpose is to give praise to Hashem and either publicize a *mitzvah* (such as *pidyon haben*) or a miracle (such as the birth of a child which is Rabbeinu Tam's explanation of “salvation of a son” i.e. a *shalom zachor*) qualifies as a *seudas mitzvah*.

The source for a *siyum* on a *masechta* of *Gemora* qualifying as a *seudas mitzvah*, the Maharshal says, is from a *Gemora* in Shabbos 118b that Abaye would make a party when he would see a torah scholar finish a *masechta* (the Maharshal then launches into a suggestion to make the bracha of “*hasimchah bi'me'ono*” at a *siyum*, which he retracted from after he felt that it was the reason that a *siyum* he once attended was totally ruined). At the end of the *perek*, the Maharshal continues to

show from this *Gemora* in Shabbos that even those who aren't actually finishing the *masechta* should celebrate with the one completing the *masechta*, just as we find that Abaye would make the *seudah* for his students even when he didn't actually learn it with them.

DAILY MASHAL

15th of Av

The Maharshal also points out that the *Gemora* in Ta'anis 30b cites that one of the reasons for establishing a *Yom Tov* on the fifteenth of Av was because it was the day that they completed the *mitzvah* of cutting the wood for the *mizbei'ach*. Just as there is a point to make a *seudah* and *Yom Tov* upon the completion of a *mitzvah*, so too, there would be with the completion of a *masechta*, because there is no greater *mitzvah* than completing a *sefer*. As surprising as it may seem, the *seudah* at the *siyum masechta* seems to be better sourced as a *seudas mitzvah*, more than *bris milah* (which the Maharsha questions) and *pidyon haben* (which the Maharshal initially questioned)..