



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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

Greek Wisdom

The *Gemora* had brought a *Baraisa* detailing the story that led the Sages to curse anyone who taught their children Greek wisdom (*Chachma Yevanis*). The *Gemora* now brings a *Baraisa* that seems to contradict this prohibition. The *Baraisa* quotes Rebbe and Rabbi Yosi discussing what languages are superior to Aramaic, due to their fluidity and pleasant sound. Rebbe says that Hebrew and Greek are superior to Aramaic, while Rabbi Yosi says Hebrew and Persian are superior. [*Rashi explains that Rebbe mentioned Greek, due to the Land of Israel’s proximity to Greece, while Rabbi Yosi mentioned Persian, due to Babylonia’s proximity to Persia.*] The *Gemora* resolves this contradiction by distinguishing between the Greek *language*, which is permitted, and desirable, and Greek *wisdom*, which was prohibited by the Sages in the first *Baraisa*.

The *Gemora* again challenges this prohibition from a statement cited by Rav Yehudah in the name of Shmuel in the name of Rabban Shimon ben Gamliel, indicating that his family taught their children Greek wisdom: I can apply to myself the verse: My eye is repulsive on account of me, more so than all the daughters of my city. He was lamenting the loss of Jewish children, applying it to the loss of his father’s household. In this household, 1000 students studied - 500 of them studied Greek wisdom, and the other 500 studied Torah – and no one remained from them except myself here and my father’s brother’s son, in Asya. The *Gemora* explains that since Rabban Gamliel was the *Nasi* (*the political leader of the Jews in Eretz Yisrael*), he was different, as his household needed to interact with the royal government, and therefore needed knowledge of Greek wisdom.

The *Gemora* brings a *Baraisa* that proves this exception. The *Baraisa* enumerates exceptions made for those who had to interact with the royal government:

1. Although one who grows his hair like the non-Jews is considered to be following the ways of the Emori (*which is prohibited*), Avtulmos bar Reuven was allowed to, since he had to interact with the royal government.
2. Even though teaching Greek wisdom is forbidden, the household of Rabban Gamliel was allowed to do so, since they had to interact with the royal government. (82b4 – 83a1)

Dangerous animals

The *Mishnah* (79b) had stated that one may not raise a dog, unless it is chained. The *Gemora* brings a *Baraisa* to provide further details of this prohibition. The *Baraisa* states that one may not raise a dog unless it is chained, but if one lives in a border town (*and therefore needs more protection*), the chained dog may be released at night, to guard from enemy predators.

The *Gemora* then brings a *Baraisa* in which Rabbi Eliezer Hagadol states that one who raises dogs is equivalent to one who raises pigs. – why is this relevant? - Rabbi Eliezer Hagadol is stating that in addition to violating a prohibition of having a dangerous item in one’s possession, one who raises dogs is included in the special curse established by the Sages against someone who raises pigs.

Rav Yosef bar Manyumi said in the name of Rav Nachman: Babylonia – specifically Nehardea – is considered a border town, since it is in close proximity to hostile non-Jews, and one could therefore release his dog at night for protection.

The *Gemora* then illustrates the extreme negative consequences that may come from keeping a dangerous dog. Rabbi dostai from Biri expounded: The verse in the Torah says that when the Ark rested in a new camp in the desert, Moshe would say *shuva Hashem riv'vos alfei yisrael - dwell, Hashem, in the midst of the ten thousands and thousands of Jews*. This verse tells us that the Divine presence can dwell only among a minimum of 22,000 Jews (two units each of 10,000 and 1,000). Therefore, if there were 21,999 Jews, and a dog barked, startling an expectant mother, and causing her to miscarry, the owner of the dog would be removing the Divine presence from dwelling among the Jews.

The *Gemora* also relates a story of a pregnant woman who went to bake in someone's house. As she entered, the dog of the house barked and startled her. Even though the dog's owner reassured the woman that the dog's incisor teeth had been removed (*and it therefore posed no danger*), the damage had already been done, since the woman miscarried from the initial fright. (83a1 – 83a3)

Dove Traps

The *Mishnah* had stated that one may place dove traps only at a distance of 30 *ris* (4 *mil* = 8000 *amos*) from a settled area, in order that the trap not catch any privately owned doves.

The *Gemora* challenges this distance measure (*as being too large*) from a *Baraisa* which states that a dovecote must be at least fifty *amos* away from grain fields, to ensure the doves do not eat from other people's grain. [This *Baraisa* implies that doves venture only fifty *amos* away from their habitat, in which case any trap more than fifty *amos* from the settled area should be sufficient.]

Abaye answers that doves fly much further than fifty *amos*, but when they are feeding, they fill themselves up with the food they find in fifty *amos* distance. Therefore, a dovecote need be only fifty *amos* away from fields, since the doves will be full before reaching the fields, but traps must be further

from the city, since doves will venture up to thirty *ris* away from their habitat, and get caught in the traps.

The *Gemora* then challenges the thirty *ris* (*as being too small*) from a *Baraisa* that states that in a settled area, one may not set traps even one hundred *mil* away. (*Tosfos points out that at this point the Baraisa's meaning inherently is not clear, since it does not specify what the limit is, and how it relates to the edge of settled area.*)

Rav Yosef explains that the *Baraisa* is referring to a settlement of vineyards, through which the doves continue traveling, even beyond thirty *ris* from an area of dove habitat. Therefore, anywhere in that area, doves will be found, and no traps can be set.

Rabbah explains that the *Baraisa* is referring to a settlement of dovecotes (through which doves will continue traveling, even beyond thirty *ris* from their original habitat).

The *Gemara* asks: But why not lay down the prohibition to spread nets on account of the dovecotes themselves?

The *Gemara* answers: [Even though the dovecotes themselves should extend the border for thirty *ris*, the *Baraisa's* extension applies even when these closer dovecotes do not incur the distancing of traps.]

The *Gemora* lists three such type of dovecotes:

1. Owned by non-Jews
2. Owned by no one
3. Owned by the trapper

[In these cases, the dovecotes themselves would not prohibit the trap from being set, but it extends the range of other doves, and therefore the no trap range.] (83a3)

WE SHALL RETURN TO YOU, MERUBEH

Paying for Damages

After the seventh *perek* discussed aspects of damages done by a person via theft, the eighth *perek* proceeds to discuss

other types of damages done directly by a person. The *Mishnah* enumerates and explains the five categories of payments that a damaging person must pay:

1. *Nezek* – monetary loss of worth. If a person permanently harmed someone else's body (e.g., *gouged an eye, severed a hand, broke a leg*), we estimate how much the victim would be worth on the slave market before and after the damage. The difference between the two values is *nezek*.
2. *Tza'ar* – pain. If a person caused pain to another – even without permanent damage to his body (e.g., *burned him, even on his fingernail*), we estimate how much a person would be willing to be paid to undergo such pain.
3. *Ripui* – medical expenses. If a person struck another, he must ensure he is healed. This includes covering medical expenses for any subsequent wounds, as long as they were caused by the strike. Even if the victim's condition repeatedly began to improve and then deteriorated, as long as he did not fully recover, the damager must cover all medical expenses.
4. *Sheves* – loss of income. The *Mishnah* says that we consider the loss of wages, only based on the work the victim will be able to perform after his recovery. Therefore, in the case of someone who severed another's hand, the wages we consider would be based on guarding a vegetable field, but not heavier work, which would need a hand. The loss of other types of work was already factored in the value of his hand, which was paid in the *nezek* category.
5. *Boshes* – embarrassment. The *Mishnah* states that this payment amount depends on the social stature of both the victim and the damager. (83b1 – 83b2)

The *Gemora* asks a fundamental question regarding the *nezek* category. The verse states that we punish one who damages *ayin tachas ayin – an eye in place of an eye*. The straightforward reading of the verse is that if one gouges someone's eye, the damager's eye is gouged. The *Gemora* questions how we know that the meaning of the verse is the *value* of an eye, and not an actual eye.

It should not enter your mind like this, for it was taught in a *Baraisa*: You might think that where he knocked out his eye, the offender's eye should be put out, or where he cut off his arm, the offender's arm should be cut off, or again where he broke his leg, the offender's leg should be broken. [Not so; for] the Torah states:

1. A *gezeirah shavah* of the word *makeh* - one who hits, which is used for one who hits a person, and one who hits an animal. Just as one who hits an animal is punished monetarily, so one who hits a person is punished only monetarily.
2. The *Baraisa* then says that if one has an objection to this source, there is another source. The verse states that you may not take money from a *murderer* in lieu of his being killed, implying that from another criminal – i.e., one who damages a person's body, but does not kill him – we *do* take money as punishment.

The *Gemora* analyzes the sections of this *Baraisa* in order. The first section of the *Baraisa* connected the word *makeh*, used both in the context of damaging a person and in the context of damaging an animal. The *Gemora* tries to identify which verses that use *makeh* the *Baraisa* is referring to. The *Gemora* considers these options:

1. The verse that states: *Makeh behaimah yeshalmena, umakeh adam yumas – one who hits an animal must pay damages, and one who hits a person is killed*. The *Gemora* rejects this option, since this verse is referring to one who is killed for hitting a person, and indeed may *not* pay money.
2. One verse that states *Makeh nefesh behaimah yeshalmenah, nefesh tachas nafesh – one who hits the soul of an animal must pay for it, soul in place of a soul*. The subsequent verse states *v'ish ki yitein mum ba'amiso, kaasher asah, kein yei'aseh lo – and when a man places a blemish in his peer, as he did, so should be done to him*. Even though the word *makeh* does not appear explicitly in the verse dealing with a person's damage, the concept of hitting is present, which is enough for a *gezeirah shavah*. Just as one who hits an

animal is punished monetarily, so one who hits a person is punished only monetarily.

The *Gemora* then challenges this rule of paying for damages with other verses. The verse states when a man hits another man's soul, he should be *killed*. This verse is the introductory verse to *ayin tachas ayin*, and is referring to damaging another person, but not killing him. Therefore, the "killing" punishment is not literally capital punishment, but would seem to mean corporal punishment - "killing" a part of the damager's body in the same way he did so to his victim. The *Gemora* states that this verse also means he must pay money, but not suffer physical damage.

From where is the proof that this refers to money/. Say perhaps that it refers to actual death? - This cannot enter your mind for two reasons:

1. This verse is close to the verse mandating monetary payment for damages to an animal.
2. A subsequent verse states that just as he *gave* the victim a blemish, so it should be *given* to him. The fact that the Torah uses the verb *yinaten* – *it should be given*, implies money, which is literally given from one person to another. Learn from this that the verse refers to money.

The *Gemora* then proceeds to the second section of the *Baraisa*, where an alternate source is provided. [Whenever a *Baraisa* has a formulation stating that if one questions the first source, we can provide another source, the *Gemora* must explain the need for the alternate source. This includes identifying what the first source lacks, and how the second source addresses this.] The *Gemora* explains that just as we can use a *gezeirah shavah* to equate the hitting of a person with the hitting of an animal, we should be able to use the same *gezeirah shavah* to equate the hitting of a person to murdering a person, which also uses the word *makeh*. If we would follow that *gezeirah shavah*, we would derive that just as a murderer is literally killed, so a damager is literally corporally punished.

They said: It is proper to derive [the law of] injury from [the law governing another case of] injury, and not to derive [the law of] injury from [the law governing the case of] murder. It could, however, be argued to the contrary; [that it is proper] to derive [the law of injury inflicted upon] man from [another case of] man but not to derive [the law of injury inflicted upon] man from [the case of] an animal. This was the point of the statement 'If, however, this reason does not satisfy you.' [The answer is as follows:] 'It is stated: You may not take money from a *murderer* in lieu of his being killed; for he shall surely die, implying that it was only 'for the life of a murderer' that you may not take money, whereas you may take money [even] for [the loss of] tips of limbs though these cannot be regenerated.'

The *Gemora* then discusses the second source. But was the purpose of this [verse]: You may not take money from a *murderer* in lieu of his being killed, to exclude the case [the loss of] tips of limbs? Was it not requisite that the Merciful One should state that you should not make him subject to two punishments, i.e. that you should not take from him money as well as kill him? — The *Gemora* answers that we know that rule from the verse in the topic of lashes that states that we punish someone *kdei rish'aso* – *as much as his crime*. This verse implies: you punish him only one punishment, for only one crime and you do not hold him liable for two wickednesses.

But still was it not requisite that the Merciful One should state that you should not take money from him and release him from the capital punishment? — If so the Merciful One would have written: You may not take money from one deserving of death; why then write 'for the life of a murderer' unless to prove from it that it is only 'for the life of a murderer' that you may not take money, whereas you may take money [even] for [the loss of] tips of limbs though these cannot be regenerated.

But since it was written: You may not take money [implying the law of monetary compensation in the case of mere injury], why do I require [the *gezeirah shavah* made

between] ‘striking’ [in the case of injuring man and] ‘striking’ [in the case of injuring an animal]? — It may be answered that if [the law would have had to be derived only] from the former text, I might have said that the offender has the option, so that if he wishes he may pay with the loss of his eye, or if he desires otherwise he may pay the value of the eye; we are therefore told [that the inference is] from striking an animal: just as in the case of smiting an animal the offender is liable for monetary compensation, so also in the case of injuring a man he is liable for monetary compensation. (83b2 – 83b4)

The *Gemora* brings a series of *Baraisos* that offer other sources that teach that damages are punished monetarily, and not physically. Rabbi Dostai ben Yehudah says: When the Torah states: An eye for an eye, it must be referring to money. You say money, or perhaps it is not so, and it refers to an actual eye? It is illogical [for damages to be punished physically. If damages would be punished physically, it would lead to unfair punishments]: If one with small eyes gouges someone with large eyes, gouging the damager’s eye would not compensate for the damage done. How can I apply the verse: an eye for an eye? – And perhaps one might say that in such asymmetrical cases, the victim would take money? The Torah states: *mishpat echad yihyeh lachem – one rule for all* – the same law for all of you. [Therefore, the only logical and equitable option is for all to pay monetarily for physical damages.]

They said: What is the difficulty even in that case? Why not perhaps say that for eyesight taken away the Merciful One ordered eyesight to be taken away from the offender? For if you will not say this, how could capital punishment be applied in the case of a small man killing a large man or a large man killing a small man, seeing that the Torah says: You shall have one manner of law, implying that the manner of law should be the same in all cases, unless you say that for a life taken away the Merciful One ordered the life of the murderer to be taken away? Why then not similarly say here too that for eyesight taken away the Merciful One ordered eyesight to be taken away from the offender? [This *Baraisa*

cannot be conclusive proof that ‘an eye for an eye’ refers to money.] (83b4 – 84a1)

INSIGHTS TO THE DAF

Greek Wisdom

The *Gemora* states that Greek wisdom is not the Greek language, but does not explain what Greek Wisdom is. This is, of course, extremely relevant, as the *Baraisa* stated that one who teaches his son Greek Wisdom is cursed. The *Shitah* quotes a Gaon who says that Greek wisdom is a form of communicating in hints, without all people understanding the content (*similar to the Oracles of Greek history*). This fits well with the story the *Gemora* quoted (82b), in which an old man communicated important information to the army outside of Yerushalayim, which led to the curse. The *Shitah* quotes the Rema who says that Greek wisdom is predicting the future based on astrology. The Meiri says that Greek wisdom is Greek philosophy, which was forbidden due to its tendency to attract people and draw them away from many fundamental religious principles. Those who had to interact with the royalty needed to be versed in these areas, in order to be socially acceptable to the royal mileui.

Dogs

Rabbi Eliezer Hagadol stated that one who raises dogs is equivalent to raising pigs, and he therefore is included in the curse of the Sages. The *Shitah* quotes Rav Yehonasan who says that the opinion in the first *Baraisa* agrees that a dangerous dog may not be raised, but only due to the verse of *ma’akeh (a fence)*, which states *lo tasim damim – you shall not introduce blood in your house.*, which was quoted on BK 15.

The Maharshal (BK 7:45) discusses why the prevalent custom in his time was for Jews to have dogs in their property. He first considers the possibility that since we live amongst non Jews, some of whom are hostile to us, we may raise the dogs for protection, just as the *Gemora* allows this for border towns, including Nehardea. He rejects this possibility, since even when kept for protection, the dog must be chained

down during the day (*when people walk around and may get hurt*), and only let loose at night (*when people are not walking around*). The prevalent custom is to keep the dogs unchained even during the day. He therefore states that the *Gemora's* statements on daf 15 and 83 are referring solely to a *kelev ra* – a bad dog, which can harm and scare people, by harming or barking. The *Mishnah* therefore referred to one who raises Hakelev – the dog, i.e., the prohibited *kelev ra* – and not just *kelev* – a dog. However, our dogs, which are docile and do not scare or hurt people, are not included. Instead, they are included in the category of *kelev kufri* (80a), which Rashi explains as either small or docile dogs. People are used to these dogs, and are not even scared of them. Any dog that scares people – even if it cannot harm them – is forbidden, as indicated in the story of the pregnant woman.

Dovecotes of Non-Jews

The *Gemora* lists the dovecote of a non-Jew as not meriting a trap free zone around it. The Rishonim discuss the reason for this. The Meiri states that the *Gemora* was only referring to non-Jews who are barbaric and have no religion at all. These people's property is not afforded any protection, due to their barbaric behavior. All other dovecotes are protected, even if not owned by Jews. Rashi, on the other hand, understands the restriction of traps to be a special protection accorded to fellow Jews, as a kindness. This kindness is not extended to non-Jews.

Slave Value

The *Mishnah* states that to estimate *nezek*, we evaluate the value of a slave with and without the damage. The Shitah quotes Rav Yehonasan who says that we do not estimate how much the victim feels he lost due to the permanent damage done to his body, since that would be so extreme as to be unfair to the damager. One would never put a reasonable price on his own physical body parts, and the resulting estimation would be exorbitant.

Rashi states that the slave market we are referring to is the market for an *eved ivri* – a Jewish slave. The Ketzos explains

that a Jew cannot be estimated as a non-Jewish slave, since he would never be one. The Rosh, however, says the market is for non-Jewish slaves. Rashi's opinion is difficult, as Jewish slaves are only sold for six years, and therefore the difference in value will not accurately reflect the damage done. Rabbi Akiva Eiger says that even if we were to continually reevaluate the damages every six years (*to reflect the ongoing loss*), this would be unfair to the damager, since the ultimate sum will be much larger than the one time loss to a permanent non Jewish slave. The Maharshal suggests that Rashi agrees that the slave market used for estimation is that for non-Jewish slaves, but that Rashi here is simply giving a rationale for applying such an estimation to a free man. Since a free man can sell himself as a slave, this indicates a monetary loss ascribable to the damage done to his body. See Ketzos 420:1 for more detail on Rashi's opinion.

DAILY MASHAL

Ayin Tachas Ayin

The *Gemora* explains how we know this verse is not literal. The Rambam (Chovel umazik 1:6) states that even though the straight reading of the verse is at odds with the *halachah*, the *halachah* comes from Moshe Rabbeinu himself, and has been always accepted. The commentators discuss why the Torah used this phrase, if the real meaning is not literal. The Ibn Ezra states that the Torah is telling us that if the damager would not pay money, it would be fitting for him to lose his eye. The Seforno similarly states that in a pure legal sense, the appropriate punishment would be physical, but the Torah was kind to allow monetary punishment instead. See the Ibn Ezra (Shmos 21:24) for a discussion of logical proofs to the monetary punishment.

The Gr"a states that the verse itself hints to the monetary punishment. The word *Ayin* is three letters – ayin, yud, nun. If we take the letters after each of those letters, we have the letters pei, kaf, samech. Rearranging those letters spells kesef – money. The verse tells us that for the eye, the damager pays tachas ayin – the letters below (*after*) ayin.