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Causing Pain to Animals

The *Gemara* attempts to bring a proof from a *Baraisa*. The *Baraisa* states: “It is lying down under its burden.” This implies that it is not an animal that always lies down. It also implies that it is not standing upright. “Under its burden,” implies that the burden was not unloaded (*the Gemara will explain this soon*). It also implies that the burden is one that he could technically bear. If causing pain to animals is a Torah prohibition, why should it matter if the animal is currently collapsing, always collapses, or is standing?

The *Gemara* answers: This *Baraisa* must follow the opinion of Rabbi Yosi haGelili, who says that causing pain to animals is only a Rabbinic prohibition. This is understandable, as the *Baraisa* states that “Under its burden” implies that the burden is one that he could technically bear. Who do we know who says such a thing? Rabbi Yosi haGelili. This proves that he is the author of this *Baraisa*.

The *Gemara* asks: Is he indeed the author of the *Baraisa*? Doesn’t the second part of the *Baraisa* say: “Under its burden,” implies that the burden was not unloaded? What must this mean? If it means that it excludes a person from having to help when the animal is being unloaded, doesn’t the verse say, “You shall raise up (*the load*) with him?” It must be that it means that if the animal were not unloaded, he must do so for free, as opposed to for pay. [*If the animal were unloaded and he is asked to help load, he can ask for pay.*] Whose opinion is it that one can ask for pay for loading, but not for unloading? It is the opinion of the *Chachamim* (*not Rabbi Yosi*).

The *Gemara* answers: Indeed, the *Baraisa* represents the viewpoint of Rabbi Yosi HeGelili, but regarding loading, he

shares the opinion of the *Chachamim* (*for pay*). (32b5 – 33a1)

The *Baraisa* states: “When you will see.” One might think this implies even if you will see this from afar. The verse therefore also states, “When you meet.” One might think this means that one has to actually be in the presence of the animal. The verse therefore states, “When you will see.” What is the distance of seeing and meeting? The *Chachamim* determined that this is one out of seven and a half parts of a mil, known as a *ris*. The *Baraisa* states: He should walk along with the animal until the distance of a *parsah* (*four mil*). [*This is in case the load falls again.*] Rabbah bar bar Chanah states: He is paid (*for his trouble*). (33a2)

Mishnah

If both a person and his father or teacher lost something, he can search for his object first. If both his father and teacher lost something, he should return the lost object of his teacher first. This is because his father brought him to this world, but his teacher will bring him to the next world due to the (*Torah*) wisdom he has taught him. If his father is also a Torah scholar, he should return the lost object of his father first. If both his father and teacher were carrying a load, he should carry his teacher’s load and only afterwards (*if he is able to*) carry the load of his father. If both his father and teacher were being held prisoner, he should first redeem his teacher and then his father. If his father is also a Torah scholar, he should redeem his father and then his teacher. (33a3)

His Teacher

The *Gemara* asks: What is the source of this law? Rav Yehudah says in the name of Rav: “However, there should

not be from amongst you a poor person.” This teaches us that your possessions come before those of any other person. Rav Yehudah states in the name of Rav: Whoever lives by these words (*and never puts others before himself*) will end up needing help himself. (33a3)

The *Mishnah* discusses the case where both his father and teacher are carrying a load.

The *Baraisa* states: The teacher being referred to here is a teacher who taught him how to understand *Mishnah* and Torah in depth, not just someone who taught him the translation of Torah and *Mishnah*. These are the words of Rabbi Meir. Rabbi Yehudah says: It is referring to someone who taught him most of his wisdom. Rabbi Yosi says: Even someone who only enlightened him regarding one *Mishnah* is considered his teacher in this matter.

Rava says: This is like, for example, Rav Sechora, who taught the meaning of a “*zuhamā listaran*” mentioned in two *Mishnahyos* in Keilim [[*It is a large spoon.*]

Shmuel tore his clothes (*in mourning*) when he heard about the death of a particular Rabbi who had taught him the meaning of a *Mishnah* in Tamid regarding “one (*key for the door in the Temple*) goes to the place where he had to stick his arm in deep (*until the armpit*), and the other goes to open quickly.” [See *Rashi at length.*]

Ulla said: The Torah scholars in Bavel stand up before each other and tear their clothes when a fellow scholar dies. Regarding a lost object of his father and his teacher, they only search for the teacher first if he is their main teacher (*as per the opinion of Rabbi Yehudah*).

Rav Chisda asked Rav Huna: If someone is a student, but his teacher needs him in some areas of learning (*as the student knows other teachings that his teacher does not know*), what is his law? Rav Huna answered him: Chisda, Chisda, I do not need you. You need me for forty years. They were both upset with each other, and did not talk to each other for forty

years. Rav Chisda sat forty fasts because he upset Rav Huna, and Rav Huna fasted forty days because he suspected Rav Chisda of being disrespectful towards him.

It was stated: Rav Yitzchak bar Yosef taught in the name of Rav Yochanan: The law follows Rabbi Yehudah. Rav Acha bar Rav Huna says in the name of Rav Sheishes: The law follows Rabbi Yosi.

The *Gemara* asks: Did Rabbi Yochanan really say this? Didn't Rabbi Yochanan say that the law always follows the ruling of an anonymous *Mishnah*? Our *Mishnah* states: His master who taught him wisdom (*implying any amount of wisdom*)!?

The *Gemara* answers: It means most of his wisdom. (33a3 – 33a4)

The *Baraisa* states: Those who involve themselves with learning the *Chumash* are doing a partially good thing. If they involve themselves with learning *Mishnah*, it is a good thing for which they receive reward. If they involve themselves with learning Talmud, there is nothing better. A person should always run to learn *Mishnah* before Talmud.

The *Gemara* asks: The *Baraisa* just stated that if people involve themselves with learning Talmud, there is nothing better. How can it then say that a person should always run to learn *Mishnah* before Talmud?

Rabbi Yochanan answers: The statement that there is nothing better than Talmud was stated during the time of Rebbe. [*In his time, it became crucial to learn the types of questions and answers that were later edited and formed into the Talmud. See Rashi at length.*] This is when people stopped concentrating on *Mishnah* and started learning the types of questions and answers that are in the Talmud. When everyone was running after Talmud, he then taught that they should run to *Mishnah* (*as he wanted to make sure they didn't forget the Mishnahyos, which are the basis of the Talmud*).



The Gemara asks: What did Rebbe originally see that made him emphasize the importance of Talmud?

Rabbi Yehudah says in the name of Rabbi Ilai: What does the verse mean when it says: "Tell my nation about their negligence, and the house of Yaakov about their sins." "Tell my nation about their negligence" refers to the Torah scholars, whose accidental sins are considered as if they were done on purpose. "And the house of Yaakov about their sins" refers to the ignoramuses, whose purposeful sins are like accidental sins. This is why Rabbi Yehudah states in a *Mishnah*: Be careful with Talmud, as making a mistake in Talmud can lead to purposeful sin (*making wrong halachic rulings*).

Rabbi Yehudah the son of Rabbi Ilai taught: What does the verse mean when it says, "Listen to the words of Hashem, those who are scared about His word?" This refers to Torah scholars. "Say your brothers," refers to people who only know *Chumash*. "Those who hate you," this refers to those who only know *Mishnah*. "Those who stay away from you," refers to the ignoramuses. One might think that these people have no chance to receive eternal reward. This is why the verse says, "And we will all see in Your happiness," implying everyone will see. One might think that they will at least be embarrassed. This is why the verse says, "And they will be embarrassed," implying only the non-Jews will be embarrassed, while the Jews will rejoice. (33a4 – 33b2)

WE SHALL RETURN TO YOU, EILU METZIOS

Mishnah

A person deposited an animal or vessels with his friend, and it was stolen or lost. If the guardian wants to pay instead of swear, which is indeed an option for him, as they say that a person who is an unpaid custodian can swear and not have to pay, if the thief is found, he pays double. If he had slaughtered and sold the animal, he pays four or five times the value (*four for a sheep and five for an ox*). To whom does he pay the money? He pays to the person who has the object (*in this case, the guardian, as his payment entitles him to*

payment in case the thief is caught). If the guardian chose to swear and not pay, if the thief is found, he pays double. If he had slaughtered and sold the animal, he pays four or five times the value. To whom does he pay the money? He pays to the original owner. (33b4)

DAILY MASHAL

Half for Him, Half for You

In his commentary Ben Yehoyada on our sugya, Rabbi Yosef Chayim relates a story that serves to elucidate the above saying of our Gemara.

An old man needed a place to live but his son, a rich man, ignored him and let him beg in the streets. The rich man's son met his forlorn grandfather in the street on a winter day. Fierce winds tore through the town and the old man was nearly in mortal danger. "My dear grandson", he appealed, "please do me a favor and ask your father to give me a coat." When the youth stated his grandfather's request at home, his father told him to take him a coat from the attic. After a while the rich man's son came down with a cloth that seemed to be a neatly cut half of an old coat. Seeing his father's astonishment, he explained: "After all, you'll also grow old someday and you'll surely ask me to send you a coat to keep you warm. I therefore cut the coat in half. Half I'll give to him and when you need clothes, I'll send you the other half."

The rich man was mortified as he realized his great sin in disgracing his father and feared that he too would be disgraced. He went to his father, begged his forgiveness and brought him to live with him.

In the spirit of this tale Rabbi Yosef Chayim explains the saying of our Gemara: "Those who practice this principle eventually become so". One who cares for a lost article belonging to his father or teacher before caring for his own will be treated accordingly by his children and students. If they find something of his with something of theirs, they too will care first for his.