



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

### ***Necessary Rulings?***

Our Mishnah is not in accord with [the opinion of] Rabbi Yehoshua ben Karchah. For it is taught: Rabbi Yehoshua ben Karchah says: A loan made against a document, should not be recovered from them, but a loan made against the word of mouth may be recovered from them, since it is, as it were, rescued from their hands.

Rav Yosef sat behind Rabbi Abba, who was sitting in front of Rav Huna. Rav Huna said that we rule like Rabbi Yehoshua ben Karchah, and like Rabbi Yehudah. We rule like Rabbi Yehoshua ben Karchah, who says in our *Mishnah* that one may collect a debt from an idolater at any time, as he is salvaging the money. We rule like Rabbi Yehudah in the case of someone who was hired to dye wool one color, but dyed it a different one. Rabbi Meir says that he must pay back the owner the value of the wool he provided, as his change to the wool made him a robber, who has acquired ownership by the item's change, while Rabbi Yehudah says that he returns the wool, but is reimbursed at a discounted rate – the minimum of the expenses and appreciation – so that he not benefit from his change in terms.

Rav Yosef turned around to indicate his disapproval. [*The Gemara explains why.*] It was necessary to rule like Rabbi Yehoshua ben Karchah, since we would have otherwise ruled like the majority opinion of the Sages against his individual opinion. However, it is obvious that we rule like Rabbi Yehudah, since the *Mishnah* in Bava Kamma, which cites the dispute of Rabbi Meir and Rabbi Yehudah, is

followed by an anonymous *Mishnah* in Bava Metzia, which follows Rabbi Yehudah's opinion, and we always rule like an anonymous *Mishnah* which follows one opinion of an earlier dispute. Now, these differing opinions are quoted in Bava Kamma, and there is the subsequent anonymous opinion in Bava Metzia, where we learn that the party which changes [an agreement] has the lesser right, likewise whichever party alters his mind has the lesser right!

The *Gemara* explains that Rav Huna says that we cannot assume any specific order between *Mishnas* across different *masechtas*, and therefore it is not clear that this is an anonymous *Mishnah* following a dispute, and not a dispute after an anonymous *Mishnah*.

But if that were so, you can apply to every case of differing opinions followed by an anonymous one the argument that the *Mishnah* has not retained its original order!

Rav Huna, however, [could reply thus]: The argument that the *Mishnah* has not its original order could not be admitted in regard to the same Tractate, but it could be used in regard to two Tractates. – And as to Rav Yosef? – He holds that all [those dealing with] damages are to be regarded as one tractate; or, if you wish, it could be said, because this rule is included among legal and fixed decisions, thus: The party which changes an agreement has the lesser right; and whichever party alters his mind has the lesser right. (6b5 – 7a1)



### ***Rabbi Yehoshua ben Karchah***

[The *Gemara* cites a number of rulings of the later *Amoraim* about various disputes between Rabbi Yehoshua ben Karchah and other *Tannaim*.]

The *Baraisa* says that one may not tell his friend on *Shabbos*, “Let’s see if you’ll join me for work tonight,” as it is a forbidden discussion of mundane activity. Rabbi Yehoshua ben Karchah permits this. Rabbah bar bar Chanah rules like Rabbi Yehoshua ben Karchah.

The *Baraisa* says that if one received a *halachic* ruling rendering something impure or forbidden, he may not ask another Sage, who may render it pure or permitted. If two Sages dispute whether it is impure/forbidden or pure/permitted, if one is of the Sages is superior in age and intellect, one must follow his ruling, but otherwise he must follow the stricter ruling. Rabbi Yehoshua ben Karchah says that in a Torah area of *halachah*, one must follow the stricter ruling, but in a Rabbinic area, he may follow the more lenient ruling. Rav Yosef rules like Rabbi Yehoshua ben Karchah.

The *Baraisa* says that if people who had transgressed repented, Rabbi Meir says we do not accept them. Rabbi Yehudah says that we accept them only if they repented publicly. Some say that Rabbi Yehudah says we accept them only if they had transgressed privately. Rabbi Shimon and Rabbi Yehoshua ben Karchah say that we accept them in all cases, as the verse says that the wayward sons should all return. Rabbi Yitzchok from Akko quotes Rabbi Yochanan, who rules like this latter pair of *Tannaim*. (7a2 – 7b1)

### ***Before, or also after?***

The *Mishnah* says that Rabbi Yishmael forbids business dealings with idolaters for three days before and three

days after their holiday, while the Sages say: Before their festivals it is prohibited, but after their festivals, it is permitted. (7b1)

Rav tachlifa bar Avdimi says in the name of Shmuel: According to Rabbi Yishmael, it is always forbidden to do business with idolaters who keep one day of the week as a holiday, as the three before and three after encompass the whole week.

The *Mishnah* had stated: While the Sages say: Before their festivals it is prohibited, but after their festivals, it is permitted.

Is not [the opinion of] the Sages identical with that of the first Tanna? — The exclusion of the festivals themselves is the point on which they differ. The first Tanna holds that the period is exclusive of the festival, but these latter Rabbis hold that it includes the festivals.

Or it might probably be said that they differ on the question of business transactions carried out, the first Tanna holding that [the proceeds of] such transactions are permissible, while our latter Rabbis hold that [the proceeds of] these transactions are forbidden.

It might also be said that this ruling of Shmuel is a matter on which they differ. For Shmuel said: In the Diaspora the prohibition is limited to their festival day only. The first Tanna accepts Shmuel's ruling, while our last Rabbis do not hold with Samuel.

You may further say that they differ in the ruling of Nachum HaMadi. For it is taught: Nachum HaMadi says: The prohibition applies to only one day before their Festivals. The first Tanna does not accept the ruling of Nachum HaMadi, and our latter Rabbis do agree with Nachum HaMadi's ruling. (7b1 – 7b2)



### ***Nachum Hamadi***

[The *Gemara* cites *Baraisos* with an individual opinion of Nachum HaMadi, which the Sages reject, saying that it should be forgotten and never cited:]

Nachum Hamadi forbids business only for one day before the idolaters' holiday. Although the *Gemara* suggested that the Sages in our *Mishnah* follow this opinion, it was simply identifying these Sages as Nachum Hamadi, leaving it an individual opinion.

Nachum Hamadi permits selling idolaters an old male horse on the battlefield. Although Rabbi Yehudah ben Besairah permits selling them any horse, this is because he does not accept the prohibition of selling a horse. Nachum Hamadi, who accepts the prohibition in principle, makes an exception for an old male horse, and the Sages utterly reject that exception.

Nachum Hamadi says that one separates *terumah* and *ma'aser* from the sheaves spice whether it was picked when it was leafy, when it grew strands, or if it was harvested when it was hardened and contained seeds. Although Rabbi Eliezer says the same thing, he is discussing garden grown sheaves, which it is common to pick it at these different times. However, when it is planted in a field, it is only picked when hardened, so the Sages reject Nachum Hamadi's opinion. (7b2 – 7b3)

### ***Additions to Prayer***

Rav Acha bar Minyomi remarked to Abaye that such a great Torah scholar as Nachum Hamadi, who came from the same place as them, whatever he says, they tell him: Let this matter be forgotten and left unspoken!

Abaye pointed out that we do rule like him in his statement that one may ask for all requests in the blessing of *shomea tefillah* – *He who hears prayer*.

Rav Acha objected, since we are not accepting his opinion per se, as that is also the opinion of the Sages in another *Baraisa*.

The *Baraisa* cites three opinions on the structure of prayer:

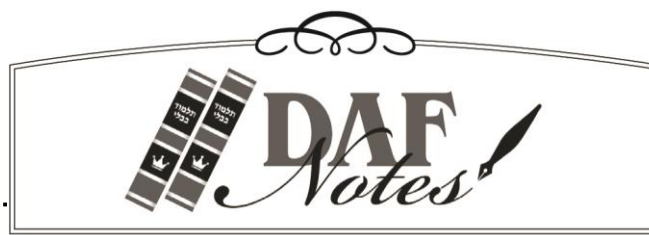
Rabbi Eliezer says that one should first ask Hashem for his needs, and then pray, as the verse refers to the prayer of a destitute person when he is in need [i.e., verbalize his needs], and (then) he pours his speech in front of Hashem [i.e., pray]. And speech refers to nothing other than prayer, as it says: And Yitzchak went out to speak in the field.

Rabbi Yehoshua says that one should first pray, and then ask Hashem for his needs, as the verse says that I will pour out my speech to Hashem [i.e., pray], and (then) tell him my troubles [i.e., verbalize needs].

Rabbi Eliezer disagrees, and says that one asks Hashem for his needs in the blessing of *shomea tefillah*.

And as to Rabbi Yehoshua [how does he explain] the verse: A prayer for the afflicted when he is overwhelmed etc.? — He explains it thus: When is the [personal] 'prayer for the afflicted' offered? When he had poured out his speech before Hashem.

Well now, as for these scriptural verses, they prove no more the statement of the one than they prove that of the other; is there any [principle] underlying their dispute? — It is the one explained by Rabbi Simlai; for Rabbi Simlai gave the following exposition: One should always recount the praises of the Omnipresent and then he should pray. From where do we learn it? From [the prayer of] our Teacher Moshe which is recorded thus: Hashem Elokim, You have begun to show Your servant Your greatness etc., and then only: Let me now cross and see the good Land. Now Rabbi Yehoshua holds that we are guided by [the example of] Moshe, while Rabbi Eliezer says we should not



follow the example of Moshe; it is different with Moshe whose greatness is so outstanding.

The Sages, however, say [the decision is] neither according to the one nor according to the other, but that one should pray for his personal needs during the blessing [concluding with], 'Who hears prayer'.

Rav Yehudah in the name of Shmuel declared that the halachah is that one should pray for his personal needs only during the blessing [concluding with], 'Who hears prayer'.

Rav Yehudah the son of Rav Shmuel bar Shilas said in the name of Rav: Even though it was said that one should pray for his private needs only at 'Who hears prayer,' nevertheless, if he is disposed to supplement any of the blessings [by personal supplications] relevant to the subject of each particular blessing, he may do so.

[So also] said Rav Chiya bar Ashi in the name of Rav: Even though it has been said that one should pray for his own needs only at 'Who hears prayer,' still if [for example] one has a sick person at home, he may petition for him at the blessing for the sick; or if he is in want of sustenance, he may offer a [special] prayer in connection with the blessing for [prosperous] years.

Rabbi Yehoshua ben Levi said: Though it has been decided that private prayers for personal needs only may be inserted in the blessing 'Who hears prayer,' yet if one is disposed to offer supplication after the Confessional Service of Yom Kippur, he may do so. (7b3 – 8a2)

## INSIGHTS TO THE DAF

### Two Rulings

The *Gemara* cites a *Baraisa* which states that one who received a ruling from on Sage prohibiting something, he

may not ask another Sage who may permit it. Tosfos (7a Hanish'al) adds a number of qualifications to this statement:

It is forbidden to ask another Sage only if he does not mention the first ruling he received.

The second Sage should not permit it, unless he feels he can convince the first Sage that he erred.

If the first Sage permitted, the second Sage can forbid.

### Two Versions

The *Baraisa* continues to discuss what one should do if two Sages differ on a ruling. Tosfos (7a B'shel) discusses the possible application of this *Baraisa* to instances of alternate statements in the *Gemara*, indicated by *ika d'amri* – *some say*. Tosfos cites four positions on how to resolve these alternate statements:

We rule like the strict version in Torah *halachah*, while we rule like the second version in Rabbinic *halachah*. (Rashi)

We always rule like the first version, as the second one is ancillary, and is therefore phrased as *some say*. (Riva)

We rule like the strict version in Torah *halachah*, and like the lenient version in Rabbinic *halachah*, following the rule of Rabbi Yehoshua ben Karchah in the *Baraisa* about a dispute between Sages. (Rabbeinu Tam)

Rabbeinu Shimshon adds that if we can prove one of the versions, we rule like that one.

### Additions to Prayer

The *Gemara* discusses how one may add requests to the standard *shemoneh esreh*. The *Gemara* cites three statements:



One may add any personal requests in *shema kolainu*.

Additional requests in a specific *brachah's* category can be added at the end of that *brachah*.

Personal requests can be added in the relevant *brachah* (e.g., praying for someone sick in the *brachah* of healing)

At the end, one may add freely.

The Bais Yosef (OH 119) cites Rabbeinu Yonah, who understands these to be separate parameters for additions. The *Gemara* is defining four categories of additions:

If one wishes to add his own version of the request of one of the *brochos*, he may do so, but only at the end of the *brachah* (after he has finished the standard text), and only in plural form.

If one wishes to insert a personal request, he may do so in singular form, even in the middle of the appropriate *brachah*.

One may insert any personal request in *shomea tefillah*.

One may add freely at the end of the prayer.

The Bais Yosef notes that the Rambam and Rosh do not accept these distinctions, but understand that the *Gemara* is simply stating that one may insert any personal requests, even in singular form, either in *shomea tefillah*, or in the appropriate *brachah*, as well as insert anything at the end. The Shulchan Aruch (119:1) cites both opinions.

#### DAILY MASHAL

Alexander the Great sent a letter to his mother during one of his military campaigns, in which he placed the following request: When she would hear news of his death, she should arrange a party and feast to honor his career, and

she should be discriminating in choosing those whom she wished to invite to the party. In order to ensure that the party would be festive (which is what he wanted), she should be careful to invite only those who had no pain or worry in their lives, allowing only those who had not suffered discomfort, to guarantee the festive and joyous atmosphere of the party. When the day arrived and news of Alexander's death reached his mother, she complied with his request, sending out invitations to all the nobility of Macedonia, with the caveat that only those without pain or worry should attend. She then prepared the feast and waited for her guests to arrive. When no one came, she realized that her son had left these instructions to minimize her pain upon his death with the knowledge that she is not alone, and that there is no one who does not suffer in some way, from pain or worry.