

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara continues to present the discussion between R' Huna and R' Yosef why R' Huna felt it was necessary to rule in accordance with R' Yehudah when we already have the principle, "when a dispute is followed by an anonymous Mishnah the halacha follows the anonymous Mishnah."

The Gemara presents a number of Beraisos that record disputes involving R' Yehoshua ben Korcha, and Amoraim who ruled in accordance with the position of R' Yehoshua ben Korcha.

2) **MISHNAH:** The Mishnah presents a dispute between R' Yishmael and Chachamim whether it is prohibited to do business with idolaters during the three days that follow their idolatrous festival.

3) Clarifying the opinions of the Mishnah

R' Tachlifa bar Avdimi in the name of Shmuel notes that according to R' Yishmael it is prohibited to do business with idolaters who have a festival every Sunday since every day is either within three days before or three days after a festival.

Seemingly, Chachamim in this Mishnah are merely restating the opinion of Taanna Kamma from the beginning of the massechta.

Four possible differences between these approaches are presented.

4) Disputes between Nachum HaMadai and Chachamim

Nachum HaMadai asserts that the prohibition to do business applies only on the day before the festival and the

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REVIEW and Remember

1. What is the halacha when an issue is first presented as a dispute and then an anonymous Mishnah adopts one of those positions?

2. If one asked a Torah scholar a question, is it permitted to ask another Torah scholar the same question?

3. What is the point of dispute between R' Yishmael and Chachamim?

4. When should a person ask Hashem for his personal needs?

Distinctive INSIGHT

Speaking and thinking about prohibited labor on Shabbos
 תנו רבנן לא יאמר אדם לחבירו הנראה שתעמוד עמי לערב, רבי יהושע בן קרחא אומר אומר אדם לחבירו הנראה שתעמוד עמי לערב

The Mishnah on 2a brought a disagreement between Chachamim and R' Yehuda regarding which types of loans, if any, may be paid back to an idolater before his festival. R' Yehuda holds that all loans may be collected, as the idolater is distressed when he has to pay money. Chachamim disagree and they hold that although the initial reaction of a borrower is to feel sad when he pays back money, the ultimate response is to be relieved that the loan is paid. Therefore, they do not allow a Jew to collect a loan from an idolater before his holiday.

Earlier, on 6b, the Gemara cited a Baraisa in which we find the opinion of R' Yehoshua ben Korcha, who argues against the opinions found in our Mishnah. He holds that a loan for which there is a written document may not be collected. In this case the idolater was under pressure to pay back the loan, or face legal consequences. When he pays, he will feel true relief. However, an oral loan may be collected from an idolater, because failure to do so may result in the inability to ever collect this loan. The Gemara concludes that R' Huna ruled in accordance with R' Yehoshua ben Korcha, unlike the opinions found in the Mishnah.

The Gemara on our daf continues to cite other halachos where we rule according to R' Yehoshua b. Korcha. A Baraisa brings Tanna Kamma which holds that on Shabbos, it is prohibited to make verbal arrangements with someone to do certain labors after Shabbos. Because these labors are prohibited on Shabbos itself, one may not speak about them on Shabbos itself. R' Yehoshua b. Korcha says that this is permitted.

The Gemara in Shabbos (150a) teaches that one may not hire workers on Shabbos because the verse (Yeshayahu 58:13) states, "And you shall honor Shabbos...by not pursuing your needs and speaking [mundane] words." The Gemara then explains that the rationale for the dispensation of R' Yehoshua who allows someone to arrange for work that will be done after Shabbos is that the only prohibition is where the labor which is prohibited on Shabbos is mentioned explicitly, for example if someone would say, "I want to hire you to cut down my tree after Shabbos." However, if someone says, "I want you to help me tonight," and the speaker and listener both understand what is meant, because the prohibited act was not spoken, this is only in the realm of הרהור, thoughts, which are not prohibited.

Ritva explains that Chachamim and R' Yehuda disagree whether it is only speaking about prohibited labors which is not allowed on Shabbos, or if it is also prohibited to discuss such matters indirectly which leads to thinking about them. Perhaps the intended reference to such labor is also defined as speech. ■

HALACHAH Highlight

Receiving two rulings for the same question

לחכם ואסר לא ישאל לחכם ויתיר

[If a question was posed] to a scholar and he prohibited the item do not ask a nother scholar who will permit it

The Baraisa teaches that once a Torah scholar prohibited something a second scholar may not rule permissively for that same question. Rashi¹ writes that the concern is the honor of the first scholar. Ran² adds a second related explanation, namely, if the second scholar issues a ruling that is inconsistent with the ruling of the first scholar it gives the impression that there are two Torahs, ח"ו. Ra'avad³ disagrees that the reason is out of concern for the honor of the first scholar. Rather, he explains that when the first scholar issued his ruling he made the object in question prohibited. Once it is prohibited no one has the authority to overturn that ruling and permit the prohibited object. A practical difference between these two explanations is what happens if the second scholar does permit the object? According to Ra'avad, even בדיעבד the second scholar cannot permit the prohibited item, whereas according to Rashi and Ran if the second scholar issued a permissive ruling the ruling is binding. Another practical difference arises if the second scholar is greater than the first scholar. According to Rashi and Ran, the second, greater scholar can overturn the ruling of the first scholar whereas according to Ra'avad once the first scholar declared the object prohibited the second scholar cannot overturn that ruling even though he is a greater scholar.

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Chachamim summarily reject this position.

It is noted that the earlier opinion of Chachamim who subscribe to this opinion is, in fact, Nachum HaMadai.

Two additional exchanges are recorded in which the Chachamim summarily reject the position of Nachum HaMadai.

R' Acha bar Minyomi asks Abaye why Nachum HaMadai's opinions are being summarily rejected.

Abaye noted that there is one instance in which halacha follows Nachum HaMadai.

This response did not satisfy R' Acha bar Minyomi who felt that the ruling was accepted, because it reflects the opinion of other Tannaim and not due to the authority of Nachum HaMadai. ■

Aruch Hashulchan⁴ wonders why this ruling is not codified in Rambam or Shulchan Aruch. He suggests that the ruling no longer applies once there has been a proliferation of sefarim. The Baraisa's ruling is limited to circumstances in which Torah scholars formulated their opinions based on logic – סברא – without proof from primary sources to back up their respective positions, since sefarim were not available. Nowadays, however, disagreements are based on variant readings of a Gemara or following the view of different Poskim rather than logical arguments and, as such, the ruling of the Baraisa is not applicable. ■

¹ רש"י נדה כ: ד"ה מעיקרא.

² ר"ן ד"ה הנשאל.

³ דבריו מובא בר"ן הנ"ל.

⁴ ערוה"ש י"ד סי' רמ"ב סעי' ס"ג. ■

STORIES Off the Daf

Complete Teshuvah

"וכולן שחזרו בהן..."

Today's daf discusses teshuvah.

Rav Yechiel Michel Feinstein, ז"ל, said that although the Chovos Halevavos, ז"ל, describes a very demanding program for teshuvah, the Chofetz Chaim, ז"ל, disagreed. "In the Chovos Halevavos we find that one who did teshuvah yet did not repent all of his evil deeds is not considered to have done teshuvah. Nevertheless, the halachah follows the opinion of those who disagree with him. Even a person who does teshuvah for some of his negative actions is considered a baal teshuvah regarding those particular actions."¹

Even so, complete teshuvah is all-encompassing, as Rav Simcha Bunim of Peshischa, ז"ל, explained. "True teshuvah is not like a patch which repairs a part that exists but is flawed. True teshuvah is like falling off the roof and breaking every bone in one's body..." How are we to understand such a surprising statement?

The Shem MiShmuel, ז"ל, explains: "Teshuvah is not like a patch which merely fixes a garment whose fabric remains the same. Teshvuah is like being born completely fresh. Just as a newborn has no past, a true baal teshuvah is a completely different person with no negative ties to his earlier actions. This can be compared to one who has fallen off a roof and broken every bone in his body. Just as in such a case, there is nothing left of this unfortunate, the same is true of one who does

complete teshuvah."²

Sadly, some people, even some of the learned among us, do not take doing teshuvah seriously, honestly believing that a fleeting sense of regret is enough to qualify. As the Klausenberg Rebbe, ז"ל, once said, "There was a certain rabbi in Germany who was called upon to be part of a beis din presiding over a divorce. He turned to his fellow judges and said, 'Since the halachah in Seder HaGet is that dayanim presiding over a divorce should do teshuvah, let us now fulfill this.' He went into a corner of the room for a brief moment, immediately returned and said to his fellow judges, 'Well, I am done with my teshuvah. How are you faring?'"³ ■

1. שר התורה, עי' רנ"ה

2. שם משמואל, תצוה, תרע"ז, עי' קמ"ב

3. דברי תורה, גליון שס"ז, עמוד א' ■