



OVERVIEW of the Daf

1) Assessing damages (cont.)

Abaye concludes citing the Baraisa from which he challenges Rava's assertion that assessing damages in terms of sixty does not apply when the damage is caused by a person.

2) Paying for damages to unripe grains

Abaye notes that R' Yosi HaGalili, cited in the previous Baraisa, and R' Yishmael agree that one pays what the unripe grain would have been worth had it been allowed to grow.

As part of his assertion Abaye demonstrates that R' Yishmael should not be understood as R' Idi bar Avin explained his position.

3) Unripe grapes

A contradiction of inferences from two rulings of R' Shimon ben Yehudah concerning the method of assessing damages to unripe grapes is noted.

Ravina suggests combining the two statements into one so that there is only one inference to draw.

This explanation is unsuccessfully challenged.

Abaye explains the point of dispute between R' Shimon ben Yehudah and R' Yehoshua.

Abaye notes that other Tannaim also follow the ruling of R' Shimon ben Yehudah.

A difference between two of the cited Tannaim is noted.

4) Evaluating damages in terms of sixty

Two versions are presented of R' Pappa and R' Huna the son of R' Yehoshua's ruling concerning the assessment of damages for cutting down a palm tree.

The Gemara issues two final rulings about the matter.

An incident related to calculating in terms of sixty is presented.

5) Eating ripe produce

The Gemara explains the rationale for the Mishnah's ruling that one pays the full value of the produce if it was ripe grain

(Continued on page 2)

Distinctive INSIGHT

Who can mourn the loss of our Beis HaMikdash?

אמרנו ליה את חשיבת לאיתאבולי אירושלים, סבור יוהרא הוה אתיוה וחבשוה, אמר להו גברא רבה אנא

The Gemara indicates that it is only fitting for a person of great integrity and personal stature to commemorate and mourn for the loss of our Beis HaMikdash by wearing black shoes in public regularly.

Chasam Sofer explains. The Gemara in Megilla (11b) speaks about the verse in Vayikra (26:44), "Yet, even so, as they (the exiled Jews) are in the lands of their enemies, I did not despise them nor reject them." The Gemara states that even when the Jews suffer the trauma of exile, Hashem has not abandoned them, as He has given them the yeshiva of Rebbe and the houses of study of the sages of the generations. The Torah learned in these institutions is the consolation for the nation throughout the years of exile. According to this, anyone who openly mourns for the destruction of the Beis HaMikdash demonstrates, to an extent, that he does not feel that the Torah study conducted while in the exile is significant. His actions of mourning can be interpreted as a sign of disgrace and contempt for the Torah scholars and community leaders who ostensibly provide a modicum of comfort to the people with their Torah. If, however, this person is himself an important figure, it is clear that he is not trying to undermine or diminish his own standing, and his actions can only be seen for what they actually are - an expression of mourning for the Beis HaMikdash. When Eliezer Zeira was seen in the market wearing black shoes, he was not known to be a person of prominence, so he was apprehended for his public disgrace of the Torah scholars, as we have explained.

Chasam Sofer also explains that when a king dies, although all his subjects are saddened with his death, it is not appropriate for an individual to get up and cry and eulogize the king on his own in front of everyone else. This would be an expression of disregard for the officers and dignitaries who are about to fill this role. Rather, it is incumbent upon the next-in-command to express grief for the entire nation. So, too, is the situation regarding the destruction of our Beis HaMikdash. It is only fitting for a great and distinguished person to grieve publicly for its loss.

יעקב explains that an important person mourns the loss of the Beis HaMikdash constantly. An average person, however, can suffice with a token gesture of commiserating with our national loss, such as leaving a spot in his house without plaster (see Bava Basra 62b). ■

REVIEW and Remember

1. How do we calculate damages to unripe grain?

2. What is unique about a Persian palm tree?

3. What is the source that one pays full damages when an animal eats ripe produce?

4. What is the point of dispute between Reish Lakish and R' Yochanan?

HALACHAH Highlight

Wearing black as an expression of mourning

אליעזר זעירא הוה סיים מסאני אוכמי

Eliezer Zeira wore black shoes

Shulchan Aruch¹ mentions the custom practiced in some places to break a glass or to put out a black cloth at a chupah as an expression of mourning for the destruction of the Beis Hamikdash. Vilna Gaon² cites two sources for these customs. The first source is our Gemara which relates that Eliezer Zeira wore black shoes as a commemoration of the destruction of the Beis Hamikdash. The second source relates to the Mishnah in Midos (4:5) which reports that when a kohen was found to be disqualified he wore and wrapped himself in black. Echoing a similar idea, Shach³ cites Ritz Gai'us that mourners wear black garments as an expression of mourning.

Erech Shai⁴ was asked about the custom for children to wear black for the entire twelve months they are mourning the death of their parent. There were those who opposed the practice with the claim that it violates the prohibition against adopting the behaviors of the gentiles (ובחקתיהם לא תלכו). He responded in support of the custom and explained that the custom has ancient sources and it will not be prohibited as a gentile practice since it subdues a person's heart and is not in any way lewd.

Gesher Hachaim⁵ disagrees with Erech Shai and writes that once the gentiles adopted the practice of wearing black as an expression of mourning the practice becomes prohibited under the general prohibition of emulating the behaviors of the gentiles. He also cites sources that denounce those who wear black in Eretz Yisroel as an expression of mourning and even those who

STORIES Off the Daf

Mourning over Yerushalayim

את חשיבת לאתאבולי על ירושלים

Rav Yosef Chaim Sonnenfeld, zt"l, was a strong opponent of any project that had even the slightest influence of the haskalah. Once, the principal of a certain school funded by the maskilim asked him why he was such a detractor. "It's not as though the students don't wear tzitzis and yarmulkas. Why are you such an antagonist?"

"Do you teach the children to get up for chatzos and mourn the beis hamikdash like our chadarim always have?"

"No," the man replied.

"That is why I am so against you," as-

serted Rav Sonnenfeld.

Sadly, very few graduates of that school remained religious.

Despite the Rav's words, today it is rare to find someone who even considers getting up at midnight and reciting *tikkun chatzos*. Someone once asked the Klausenberger Rebbe, zt"l, who frequently explained the sources behind minhagim, what had changed. He answered, "It used to be that even simple people would rise at midnight and say *tikkun chatzos* together. People had a clear example of what they were supposed to do and did it. Now, we never see a chaburah that wakes up for *tikkun chatzos*. The source for our more recent lack of focus on the inyan of rising at midnight is the Gemara in Bava Kamma 59. There we find that Elazar Zeirah wore

black shoes in the market of Nehardea. When asked about this practice by people from the household of the ריש גלותא, he explained that this was his way of mourning over Yerushalayim. They derided him: 'You consider yourself important enough to mourn Yerushalayim? What hubris!' The reason for this reaction is that one must mourn the destruction of Yerushalayim because of the spiritual loss. But simple folk will think that we mourn because we lost our sovereignty, not the holiness and purity of the Beis Hamikdash. This is a foolish concern. It is for this reason that even adults no longer gather together to recite *tikkun chatzos* as was the custom. Not everyone understands what they are supposed to be mourning!" ■

1. לפיד אש חלק ב' ע' תשנ"ט

(Overview. Continued from page 1)

that was damaged.

We are told that Rav ruled like R' Meir in one case, which the Gemara cites, and like R' Shimon concerning the amount paid when one damages ripe produce.

6) MISHNAH: The Mishnah discusses liability for damages that occur when one person stacks grain in his friend's field.

7) Accepting to guard other's property

It seems from the Mishnah's last ruling that it does not follow Rabbi's position that one must formally accept responsibilities to become a watchman.

R' Pappa demonstrates that the Mishnah could be consistent with Rabbi.

8) MISHNAH: The Mishnah discusses issues related to fire.

9) Giving a fire to a deaf-mute

Reish Lakish in the name of Chizkiyah and R' Yochanan disagree whether exemption from liability for giving fire to a deaf-mute is limited to where he handed him a coal or does it also include handing the deaf-mute a flame. ■

have the capacity to protest the practice and refrain from doing so will have to give an accounting for their passive response. Moreover, Shulchan Gavoah⁶ relates that in Yerushalayim they wore Shabbos clothing, even if it was white, to clearly convey that it is prohibited for a mourner to wear black clothing. ■

1. שר"ע אור"ח סי' תק"ס סע' ב'

2. ביאור הגר"א שם ד"ה או

3. ש"ך יו"ד סי' שמ"ה סק"ח

4. ערך שי יו"ד סי' שפ"ט

5. גשר החיים ח"א עמ' קס"ז

6. שלחן גבוה סי' שפ"ט ס"ק י"א ■