



OVERVIEW of the Daf

1) Small domesticated animals (cont.)

The Gemara concludes its citing of the Baraisa related to the restrictions against raising small domesticated animals in Eretz Yisroel.

A conversation between R' Gamliel and his students is presented regarding the permissibility of maintaining a small domesticated animal.

A Baraisa retells a related incident.

Another related incident is presented.

A Baraisa discusses the proper way to repent for raising small domesticated animals.

Another Baraisa extends the restriction to include small undomesticated animals but permits animals that rid a house of mice.

R' Yehudah defines חולדות סנאים that was mentioned in the Baraisa.

R' Yehudah in the name of Rav states that the restriction of the Mishnah was extended to Bavel.

A related tragic incident is recorded.

2) Cats

The Gemara retells an incident in which Rav issued a number of rulings related to raising cats.

The necessity for these rulings is explained.

Rav's ruling is challenged from a Baraisa.

The Gemara ends up answering that Rav's ruling is limited to white cats that have a tendency to attack people.

3) Teachings of the sons of R' Pappa

Some of the sons of R' Pappa present three halachos, the last of which relates to settling Eretz Yisroel.

A contradiction is noted regarding the correct response to a plague of boils.

The contradiction is resolved.

The second dictum related to changing one's fortune is explained.

The Gemara explains that the teaching related to signing documents to purchase land in Eretz Yisroel refers to having a gentile sign the documents for the Jewish buyer.

Another ruling related to settling Eretz Yisroel is presented.

4) Ten stipulations of Yehoshua

The Gemara begins a Baraisa that will present the ten stipulations enacted by Yehoshua to settle Eretz Yisroel. ■

Distinctive INSIGHT

Detaining small livestock in Eretz Yisroel

שאלו תלמידיו את רבן גמליאל...מהו לשהות? אמר להן מותר ובלבד שלא תצא ותרעה בעדר, אלא קושרה בכרעי המטה

The Mishnah (79b) rules that it is prohibited to raise light livestock (לגדל בהמה דקה) in Eretz Yisroel. Rashi explains that the reason is that these animals tend to wander as they graze, and flocks of these animals will invariably cause damage to privately owned fields. The Gemara ruled that although it is prohibited to raise such animals, it is, however, permitted to maintain a number of these animals in one's possession (להשהות) up to thirty days before one of the festivals or before one's son's wedding (as imminent preparation of a feast).

Our Gemara presents a discussion between Rabban Gamliel and his students. They asked him regarding this last halacha, and whether it was permissible to keep a number of these animals on hand (להשהות). He answered them that it was permitted. Rashi understands that this dispensation of Rabban Gamliel is in opposition of the earlier opinion of the sages. The sages only permitted holding on to animals before a special occasion, such as before one of the festivals. Rabban Gamliel, however, permitted holding on to such animals as long as they are held under tight control (i.e. tied on to one's bedposts), even for longer than thirty days at a time, and even if it not be before one of the festivals. Rashba explains that Rashi's understanding is based upon the subsequent story brought in the Gemara of a man who had to drink warm goat's milk each morning in order to remain healthy. He kept a goat next to his bed for an extended period, and the Gemara

(Continued on page 2)

REVIEW and Remember

1. Why was the property of R' Yishmael's family destroyed?

2. What is the reason to own a cat?

3. Which color cat is dangerous?

4. Why is permitted to ask a gentile to sign a contract to purchase land in Eretz Yisroel?

HALACHAH Highlight

Saving a life with the property of others

תנו רבנן מעשה בחסיד אחד שהיה גונח מלבו וכיו

The Rabbis taught: There was an incident involving a pious person who was groaning from a chest pains etc.

Meiri¹ writes that the pious person mentioned in our Gemara was dangerously ill which should seemingly permit him to take the necessary steps to preserve his life; nonetheless, since the prohibition was enacted by the Sages he should have avoided transgressing their words even though he did so only to preserve his life. Maharsha² disagrees and writes that if the pious person's life was at risk it would certainly be permitted for him even to raise the small domesticated animal. The reason he was punished was that his illness did not put his life at risk; therefore, he had no basis to transgress a Rabbinic enactment. Regarding a pursuer, Shulchan Aruch³ rules that one who is being pursued is permitted to even knowingly damage property of others in order to save himself as long as he has the intention to pay for the damages⁴. Similarly, if someone sees Reuven pursuing Shimon to kill him it is permitted to damage the property of others in order to save Shimon. Not only is it permitted for the bystander to damage utensils, but he is not even obligated to pay for those damages. His exemption is an enactment of Chazal to assure the willingness of bystanders to help when a person's life is in danger.

There is a disagreement amongst Poskim⁵ whether the leniency to save someone who is being pursued with the

(Insight. Continued from page 1)

felt that he did so based upon the opinion of Rabban Gamliel.

Tosafos disagrees with Rashi's explanation, explaining that Rabban Gamliel agrees with the earlier opinion of the sages. They understand that his students asked him about holding on to animals before the festival, and he told them that this was allowed. The added stipulation that the animal be tied to the bedposts was not a requirement. He mentioned this condition either because it is normal to tie small animals to secure them, or in order to emphasize that raising animals (and not merely holding on to them for a short time) is prohibited, even if they be tied up. ■

property of others also allows the bystander to steal as well. According to some Poskim there is no difference between damaging the property of others and stealing the property of others; in both circumstances that act is permitted and the bystander who damaged or stole the property does not have to pay for the loss he caused. According to others one who steals in order to save the life of another is obligated to pay for the property he stole even though his intention was to save someone's life. All opinions would agree, however, that the one who was pursued should have to pay for the property that was used to save his life since one must always pay when one benefits from the property of others. ■

1. מאירי לסוגייתנו
2. מהרש"א בחידושי אגדות
3. שו"ע חו"מ סי' ש"פ סע' ג'
4. ע' שו"ע חו"מ סע' שנ"ט סע' ד'
5. ע' שיטה מקובצת לדף ס' ■

STORIES Off the Daf

The family farm

כשם שאמרו אין מגדלין בהמה דקה

Acertain man moved into a fairly crowded neighborhood in Eretz Yisrael. To his neighbors' chagrin, the man brought five goats to live in the private courtyard adjacent to his house. Although the yard came with the house, the neighbors were distressed by the pronounced smell and also were afraid of any other unpleasantness that might develop.

When confronted by these com-

plaints the new neighbor explained that he actually had two valid reasons for keeping the goats. Firstly, the goats' milk was very healthy for his children, who had minor medical troubles for which goats' milk was a remedy. In addition, he had a daughter with psychological problems for whom the doctors had recommended spending time playing with animals. Since he had acquired the goats her condition had steadily improved.

The disturbed neighbors were not satisfied with this and tried to force him to leave.

When Rav Tzvi Pesach Frank, zt"l, was consulted regarding this question, he ruled that the goats could stay.

“Although it is true that the Gemara in Bava Kamma 80 says clearly that one may not raise small animals in Eretz Yisrael, the Shulchan Aruch rules that this prohibition did not apply for the many years that there was no fields cultivated in the land. Although Eretz Yisrael is settled again, we see in the Yerushalmi in Sanhedrin that once a prohibition was permitted it does not return unless it is reinstated by a new court. Reinstating an earlier prohibition which has not been forbidden again is likened to a new decree which we do not make ourselves out of hand.”¹ ■

1. שו"ת הר צבי חו"מ סימן תנ"ט

