



OVERVIEW of the Daf

1) The dialogue between Rava and Rabbah bar Meri (cont.)

The last conversation between Rava and Rabbah bar Meri is recorded.

2) Complaining against a fellow Jew to Heaven

R' Chanan notes the danger of complaining against a fellow Jew to Heaven.

R' Yitzchok further elaborates on this principle and a Baraisa is cited in support of his position.

3) The curse of an ordinary person

R' Yitzchok cites the incident of Avimelech and Sarah to teach that one should not take the curse of an ordinary person lightly.

R' Avahu teaches that one should be amongst those who are pursued rather than amongst those who pursue.

4) Permission to damage

R' Assi bar Chama asks why one is exempt if given permission to damage property but not when given permission to damage someone's body. Rabbah suggests that it is because a person does not forgive physical injuries.

This explanation is successfully challenged and R' Assi bar Chama offers an explanation in the name of R' Sheishes.

It is noted that the question of whether one will forgive physical injuries is subject to a dispute among three Amoraim.

A Baraisa is cited in support of R' Yochanan's position.

A contradiction is noted between the Mishnah and a Baraisa regarding liability in a case where someone instructed a friend to damage his property.

R' Huna suggests a resolution. Rabbah rejects this resolution and offers his own resolution in its place.

A related incident is recorded.

הדרן עלך החובל

5) MISHNAH: The Mishnah discusses what happens if someone steals an object and it physically changes before he has a chance to return it.

6) Acquiring stolen property by causing a physical change

A contradiction between the Mishnah and a Baraisa is noted concerning the degree of change necessary for the robber to acquire the stolen property. Abaye and R' Ashi offer alternative resolutions to the contradiction.

The assertion that whitening wool is a change that effects acquisition is challenged.

Abaye, Rava and R' Chiya bar Avin suggest different resolutions to this challenge.

The position of R' Shimon that emerges from the previous discussion is challenged.

Abaye and Rava suggest alternative resolutions to this challenge.

Abaye compiles a list of five Tannaim who maintain that an object remains in the possession of the original owner even if the object undergoes a physical change.

Abaye begins to elaborate on the sources that these five Tannaim subscribe to this position. ■

Distinctive INSIGHT

Distributing tzeddaka funds

הווא ארנקא דצדקה דאתי לפומבדיתא אפקדה רב יוסף גבי הווא גברא

The Baraisa cited the verse which sets forth the laws of liability for a person who accepts an item in his possession to guard and protect. Among the lessons derived from the verse is that only if money is given “לשמור—to safeguard” will the one to whom the money was entrusted be liable to the owner. Accordingly, the Baraisa stated that if the money was given to distribute to the poor, the owner no longer maintains his personal claim against the funds, and he cannot demand accountability from the שומר. Rashi explains that no poor person has the legal right to demand from him, either, as the שומר can say to any poor person who challenges him that he planned to distribute the money to someone else.

The Gemara brings a story of a wallet of tzeddaka money which arrived in Pumbedisa. Rav Yosef, who was the treasurer for the funds of the poor, took the money and deposited it with a certain person who was going to distribute the money to the needy. This man was careless, however, and the money was stolen. Rav Yosef obligated the man to repay the money. The Gemara immediately notes that the Baraisa ruled that such funds are not collectable. Rav Yosef answered that in Pumbedisa, the monies for tzeddaka were portioned out precisely for each poor person, and when the money was deposited with the man who was to distribute them, it was if each poor person directly entrusted him with his money. This, therefore, qualifies for what the verse considers to be לשמור.

מהרי"ק asks how Rav Yosef himself was able to delegate the distribution of the tzeddaka funds to another person. We find in the Gemara (Bava Metzia 36a) that when a person receives an item to guard, he may not reassign this task to anyone else, un-

(Continued on page 2)

REVIEW and Remember

1. What is the source that hanging around wealthy people will increase a person's wealth?

2. Why is a custodian of charitable funds not liable as a שומר?

3. Does smoothing a piece of wood effect a change that constitutes an acquisition for a robber?

4. What is the dispute between R' Shimon and Rabanan concerning first shearings?

HALACHAH Highlight

Lending charitable funds with interest

והתניא לשמור ולא לחלק לעניים

Didn't the Baraisa teach, [One is obligated as a shomer when his job is "To protect" and not when his role is to distribute the funds to the poor

The Gemara cites a Baraisa that teaches that a custodian for charity funds is not a שומר—watchman—and therefore is not responsible for negligence. Rosh¹ infers from the necessity to excuse the custodian from liability, that the poor are considered רעהו and אחיך—your brethren—because if the poor did not fall into this category there would be no need to exempt the custodian from liability since the funds were not given to him by someone who is considered רעהו. Accordingly, one is not permitted to take money of the poor and lend it with interest. Since the poor are considered רעהו, the standard restrictions against charging interest apply. Tashbatz² makes the opposite inference from our Gemara. Since the Gemara draws a parallel between the money of the poor and hekdesch money, we may conclude that just as hekdesch funds can be lent with interest, so too the funds of the poor can also be lent with interest.

Shulchan Aruch³ rules that one is permitted to use funds set aside for the poor, for orphans or for Torah study and lend it with interest as long as the fund only collects interest that is Rabbinically prohibited. Rema⁴ adds that this is the common custom. Shach⁵ comments that in all the places he has been he never saw people lend charitable funds and collect Rabbinically prohibited interest. His experience is that money lent from charitable funds

(Insight. Continued from page 1)

less it is a direct member of his family. The reason for this is that we assume that an owner of an object generally is specific and does not want anyone else to handle his object other than the person he chose to be its guardian. While it is clear that Rav Yosef cannot be prosecuted and have to account for having given the money to a responsible person, the halacha clearly prohibits violating the trust of the ones who made this deposit in his charge.

He answers that if the money was sent specifically to the hands of a particular גבאי, he would be responsible. Here, however, the money was sent to Pumbedisa, and Rav Yosef directed the money to this man to distribute it. He also suggests that Rav Yosef was the leader and head of the city. All money sent there was sent having in mind that Rav Yosef was allowed to oversee its distribution however he saw fit. ■

was bound by the same restrictions that apply to private individuals that lend money. Teshuvos Shevet Halevi⁶ was asked whether it is permitted to lend charitable funds with interest if the fund is structured in a way that principal remains intact and it is only the profit that is distributed to the poor. After considerable analysis of the different opinions on this matter his conclusion was that a standard heter iska should be used if interest will be charged for loans from this fund. ■

1. שו"ת הרא"ש כלל י"ג סי' ח'
2. תשב"ץ חוט המשולש ח"ג סי' ל"ד
3. שו"ע יו"ד סי' ק"ס סע' י"ח
4. רמ"א שם
5. ש"ד שם ס"ק כ"ו
6. שו"ת שבט הלוי ח"ב סי' ס"ד ■

STORIES Off the Daf

Spiritual development

וה' הולך לפניהם...הנה אנכי שולח מלאך לפניך

The Avodas Yisrael of Kozhnitz, zt"l, once asked the Baal Shem Tov the following question in a dream.

"When I was first starting out in Divine service, I felt like every day I was progressing at a quick rate. In the days when I would go from teacher to teacher to learn the path of Hashem, my Torah was more lishmah every day and my tefillah was with much greater focus on a daily basis.

"But today, although I have certainly advanced greatly, I don't feel the same sense of renewal and growth at all. Compared to the time when I was just beginning to become a chassid, I feel as though every day the avodah is the same. Why is this?"

The Baal Shem Tov replied, "I will explain this to you with a parable: When a child first learns alef-beis, he feels that every day he has advanced tremendously. Similarly, when he first learns from the siddur or the Chumash, he feels and sees that he is changing at a very rapid pace. One week he can learn a few verses, a while later he can even cover a parshah a week.

"A person who is immersed in learning Gemara, its commentaries, and the poskim each day, does not feel an apparent difference in himself even after a very full day. But anyone knows that the person who already possesses the tools to learn properly is certainly ascending a thousand times faster than one who feels like he is gaining a lot because he is still so underdeveloped that every change seems great. Similarly, a person who is as a small child in avodah will feel like he is advancing quickly because his avodah is still immature. When he comes to

gadlus, although he loses this feeling of advancement, he is in fact moving at a much quicker pace."¹

On today's daf we find that the source for the well-known colloquial phrase of that time, "when we were small we were as important as adults, but now that we are mature we are like children," is from a verse. At first the posuk states that Hashem Himself went before us, but afterwards it says that He will send His angel before us. Similarly, when one is just beginning in avodah, he feels like he is advancing to great spiritual stature and sees his closeness to Hashem because of his great advances. But when he finally achieves greatness he feels like a frustrated child who has fallen away from Hashem and is only worthy of an angel's intercession. The reality is, however, that in this state he is making much greater progress. ■

1. עבודת ישראל סוף פרשת שמיני