

OVERVIEW of the Daf

1) Purchasing items that were possibly stolen (cont.)

The Gemara demonstrates from a Baraisa that R' Yehudah's comment was made in reference to the latter part of the Mishnah and that he is expressing a lenient opinion.

2) Purchasing produce from a shomer

An incident is cited that teaches that it is permitted to purchase fruit from a sharecropper without concern that it is stolen.

A related Baraisa is cited.

Rav and Shmuel disagree when it is permitted to purchase items from a known robber.

The Gemara's conclusion is that it is permitted even when only a minority of his possessions were acquired legally.

3) The property of an informer – מוסר

R' Huna and R' Yehudah disagree whether it is permitted to destroy the property of an informer with one's hand.

The rationale for the two opinions is presented.

A related incident is recorded.

4) Robbers

R' Huna and R' Chisda disagree about the meaning of a pasuk that discusses robbers.

The exchange between the two positions is presented.

R' Yochanan expounds upon additional verses related to the impact of theft on the victim.

The necessity for numerous verses is explained.

5) Purchasing from married women

A Baraisa is cited that elaborates on the issue of purchasing items from married women. A related incident is recorded.

6) MISHNAH: The Mishnah discusses the topic of ownership of leftover materials produced by craftsman.

7) Elaborating on the Mishnah

A Baraisa is cited that elaborates on the rulings in the Mish-

(Continued on page 2)

REVIEW and Remember

1. When is it permitted to purchase fruit from watchmen?
2. How much tzedakah is one permitted to accept from a married woman?
3. What is one permitted to purchase from a dyer?
4. Is a tree-pruner permitted to keep the branches he removes from the trees?

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 ר' פנחס הערש בן ר' שמואל, ע"ה

Distinctive INSIGHT

The far-reaching damage of theft

כל הגוזל את חבירו שוה פרוטה כאילו נוטל נשמתו

The Midrash teaches that the reward for giving tzeddaka is great, as its effect branches into many areas. Rabeinu Yosef of Slutsk cites the Gemara (Bava Basra 11a) which tells the story of Binyomin the Tzaddik who provided for a woman and her seven children in years of famine. As a result, an additional twenty-two years were added to his life. The number twenty-two years is determined based upon his merit. Each person's life is firmly established after nine months of gestation and two years of nursing and nurturing. The 33 months for each of the seven children plus the woman herself adds up to 264 months, which is precisely 22 years. Granting a dinar to a needy soul can save many lives. Without an essential dollar, an ill or weak person might succumb. Now, with the needed assistance, he can live and support and raise others who are dependent upon him. These descendants may develop into productive members of the community, learning Torah and teaching the multitudes. The merit for all this is traced back to the aid provided to the original recipient. We therefore see how this mitzvah can expand and develop beyond the narrow situation in which it is performed.

On the other hand, in our Gemara, R' Yochanan notes that when someone steals from another, it is as if his very soul has been snatched from him. The nature of the sinful and selfish acts of stealing and withholding money which belongs to others is insidious. Taking even a small sum can result in a larger loss for its owner, as his family members may suffer due to financial pressures, and he might lose the investment potential of his money which has been taken. Earlier in Perek Meruba (79b) R' Yochanan ben Zakkai pointed out that a thief is especially worthy of punishment, as he fears man but he disregards the sin of stealing. He thus places the honor of man above the honor he accords to Hashem. We see, again, how a relatively simple act of theft can result in catastrophic damage.

The great merit of tzeddaka stands in contrast to the enormous damage which can result from theft. This is the meaning of the warning of Yeshayahu (54:14), "Establish yourself through righteousness, distance yourself from oppression." This is not only a crime when money is taken from its owner forcefully, but even when money is found in one's possession legally, and it is not paid to one's fellow man when required, for example when wages are not paid, or a loan is not repaid. Rambam begins his laws of theft with a clear warning that these cases can be even more serious than outright theft. ■

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HALACHAH Highlight

Collecting tzedaka from a married woman

גבאי צדקה מקבלין מהן דבר מועט אבל לא דבר מרובה

Tzedaka collectors may accept from them a small amount but not a large amount

Shulchan Aruch¹ rules that a tzedaka collector is not permitted to accept any more than a small amount from a married woman. The reason, as explained in our Gemara, is that there is a concern that it is an unauthorized donation and would thus be considered stolen money. Shulchan Aruch also adds that if the tzedaka collector knows that the husband does not want his wife to give any tzedaka he may not accept even a small amount. Accordingly, Rav Moshe Shternbuch² rules that if the wife (who does not earn an income of her own) of a stingy man gives a small donation and tells the collector to keep the donation a secret from her husband, the collector must refuse to accept the donation since it is evident from her words that her husband does not want her to give tzedaka. On the other hand, if she didn't ask him to keep the matter secret, the collector could keep the money since it can be assumed that the husband would not mind. Maharsham³ cites a more lenient position of Maharik who maintains that if their tenaim state that the husband and wife will have equal control over the finances of the home (וישלטו בנכסיהון שוה בשוה) she is authorized to give even generous donations to tzedaka.

Pischei Teshuvah⁴ cites an interesting question regarding the permissibility of accepting tzedaka from a particular married woman. A woman knew that her husband did not give tzedaka in accordance with his means but since she was involved in the finances of the home she decided that she would give the tzedaka for them. Noda B'Yehudah answered that it would be outright theft for the tzedaka collector to accept these funds. Even though Beis Din has the authority to force a person to give to tzedaka, a man's wife does not have that authority to act as a judge and decide how much her husband should give to tzedaka. Furthermore, when Beis Din forces a person to give tzedaka it is collected with his knowledge as opposed to this case where it is collected without the husband's awareness. The opin-

STORIES Off the Daf

"He who steals from his friend..."

כל הגוזל את חברו שוה פרוטה

Sometimes, a person's desire to be frum causes inadvertent damage to his fellow man. But as we see from today's daf, the theft of even a perutah is tantamount to killing a person. The Pischei Teshuvah, ז"ל, wrote regarding this phenomenon of inadvertent theft. It is well known that lashon hara is among the worst possible sins. Yet, there is an even worse sin that people often violate because they are overly careful to avoid speaking anything that may possibly be la-

shon hara. I am talking about those who know that someone is not trustworthy but refrain from telling a potential business partner the truth. A person may know very well that a certain individual is literally a thief, yet when asked about this person's honesty he will not admit this to avoid 'lashon hara.'

This can be compared to a man who sees a thief or murderer burrowing a tunnel into his friend's home or store. Just as everyone understands that he must reveal this plot to the home or store owner to save his life, he must also understand that revealing important, albeit negative, information can sometimes be necessary.

Another very frequent trouble spot is when people are approached by a crook for a

loan. If a person does not tell the potential lender that the person asking for the loan has reneged on loans in the past, he is an accessory to the crime. Another potentially tragic situation is when a person asks regarding a potential shidduch. If a young man under discussion is of dubious moral standing, it must be reported to the parents of the girl.

In terms of the prohibition of lashon hara it all depends on what one thinks. If he wishes to slander the criminal, he has violated the prohibition against lashon hara. But if he merely wishes to save the innocent person from being duped, he has done a great mitzvah!¹ ■

1. פתחי תשובה אור"ח סימן קנ"ו

(Overview. Continued from page 1)

nah.

A contradiction between the Baraisa and our Mishnah is noted and resolved.

A contradiction between two Baraisos is noted and resolved.

R' Yirmiyah seeks clarification of a statement of the first Baraisa but his inquiry is left unresolved.

Another contradiction between two Baraisos is noted and resolved.

Four Baraisos are cited that discuss purchasing items from different professionals.

R' Yehudah explains the etymology of the Aramaic word for a launderer and presents a halacha related to tzitzis. R' Assi suggests a definition of the Mishnah's phrase לתפור - "to sew with."

The Gemara seeks further clarification of the meaning of this phrase.

A Baraisa is cited that resolves this inquiry.

8) Carpenter

A contradiction between the Mishnah and a Baraisa is noted.

Rava resolves the contradiction.

9) Items subject to the prohibition against theft

A Baraisa discusses different items and whether they are subject to the prohibition against theft.

R' Yehudah issues a ruling about hops and green grain.

Ravina notes that the city of Mechasya is a place where people are particular about hops and green grain.

הדרן עלך הגוזל בתרא

■ וסליקא לה מסכת בבא קמא

ion of Noda B'Yehuda, however, is not the final word on this matter as Pischei Teshuvah cites other authorities who indicate that a woman who is involved in the finances of the home does have the authority to give tzedaka at her discretion. ■

1. שר"ע יר"ד סי' רמ"ח סע' ד'

2. שר"ת תשובות והנהגות ח"א סי' תקס"ד

3. שר"ת מהרש"ם ח"א סי' מ"ה

4. פתחי תשובה יר"ד סי' רמ"ח סק"ג ■