

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues to discuss cases of two people who bump into one each other causing damage to property.

2) Injuring one's wife

Rabbah bar Nosson inquired whether a husband is liable for injuring his wife during marital relations.

R' Huna answered that our Mishnah indicates that he is exempt.

Rava argued that logic dictates that he should be liable and proceeds to offer a different explanation of the Mishnah.

3) One cow kicking another

Reish Lakish rules that if a walking cow kicks a squatting cow its owner is not liable, but if the squatting cow kicks the walking cow, its owner is liable.

It is suggested that one of the rulings in our Mishnah is proof to this ruling.

This suggestion is rejected and is turned around to be a challenge to Reish Lakish.

Reish Lakish's position is defended.

It is suggested that the latter part of the Mishnah supports Reish Lakish's opinion.

This proof is rejected.

4) **MISHNAH:** The Mishnah discusses liability for bumping into someone in a public domain and causing an injury.

5) Identifying the author of the Mishnah

The Gemara notes that the Mishnah is inconsistent with the opinion of Issi ben Yehudah as presented in a Baraisa.

R' Yochanan states that the halacha follows Issi ben Yehudah that running in the public domain is unusual behavior except on Erev Shabbos.

R' Yochanan's ruling is unsuccessfully challenged.

The Gemara explains why one is permitted to run in the public domain on Erev Shabbos.

Tangentially the Gemara presents the way some Amoraim would accept Shabbos.

6) **MISHNAH:** The Mishnah presents three circumstances of liability for chopping wood.

7) Clarifying the Mishnah

The Gemara explains why three cases are needed to teach the halacha of the Mishnah.

8) Liability for someone who enters your store

A Baraisa discusses an owner's liability when someone enters his store. R' Yosi bar Chanina explains the Baraisa's intent when it discusses the case in which the storeowner is liable.

Rava challenges this explanation and revises our understanding of R' Yosi bar Chanina's explanation.

Rava unsuccessfully challenges this explanation.

The Gemara mounts another unsuccessful challenge to the assertion that one does not go to exile if he kills someone

(Overview...Continued on page 2)

Distinctive INSIGHT

Two ways to greet the Shabbos

בואו ונצא לקראת כלה מלכתא ואמרי לה לקראת שבת כלה מלכתא.
 רבי ינאי מתעטף וקאי ואמר בואי כלה בואי כלה

The Gemara presents two distinct modes of conduct regarding how to greet the Shabbos. R' Chanina went to accept the Shabbos, while R' Yannai stood in his place, wrapped or dressed in nice clothing.

Maharsha explains these customs based upon the Midrash (Bereshis Rabba 11:8) which relates that at the time of Creation, the Shabbos came to Hashem and complained that each of the days of the week had a partner, but Shabbos did not have a companion. Hashem reassured the Shabbos that the Jewish nation would be its mate. Shabbos is referred to as a bride. The Jews are all princes - בני מלכים and this relationship confers upon the Shabbos the status of being a true partner in majesty.

The moment Shabbos is about to begin parallels the time when the bride is about to enter into the bridal canopy to be wed by her groom. When R' Chanina announced that the students should go out to greet the Shabbos, he was referring to going before the Shabbos began, which is before the chuppa. They couple is not yet married, and it is customary for the groom to step out and escort his new bride to the chuppa with him, as Rashi reports in Devarim (33:2, "ד"ה מסיני) R' Yannai, however, was speaking about greeting the Shabbos once it already began. This is why he stood in his place, and invited the Shabbos upon its arrival, just as one would greet the new bride as she arrives from her father's house to her husband's home. This, then, explains why R' Yannai repeated his welcome, "בואי" "בואי כלה", as one expression accepts the Shabbos to the chuppa, and the second term welcomes the Shabbos to her husband's house.

(to Rambam, Hilchos Shabbos 30:2) notes that the text of Rambam refers to Shabbos not as a queen, but rather as a king. He explains that the reference to Shabbos as a

(Insight...continued on page 2)

REVIEW and Remember

1. Who is responsible for damages when a person walking in front makes a short stop?

2. Is it normal for people to run in the public domain?

3. Why is it necessary for the Mishnah to teach that there is a liability for chopping wood and causing damage?

4. Explain שוגג קרוב למזיד.

HALACHAH Highlight

Liability for damages caused on a life-saving mission

ומודה איסי בערב שבת בין השמשות שהוא פטור מפני שרץ ברשות

Issi agrees that one is exempt if he runs on Erev Shabbos around sunset since he is running with permission

Mordechai¹ rules that the Gemara's allowance for a person to run in the public domain is limited to Erev Shabbos when one is running out of time to be able to attend to his needs. When it comes to other mitzvos, such as running to shul to daven or to a Beis Midrash to learn, there is no allowance for a person to run in the public domain, and if he causes damage he will be liable. Chavos Yair² was asked to rule on a related case. Reuven went running in the street in order to recite Kiddush Levanah with a minyan and in the process he ran into Levi's stand and broke a number of jars and caused Levi's oil to spill. Levi wanted Reuven to reimburse him for his loss but Reuven claimed that since he was running to perform a mitzvah he should be exempt. Chavos Yair responded that Reuven is obligated to pay for the loss he caused Levi and explained, similar to Mordechai, that the Gemara's exemption from liability is limited to Erev Shabbos where one is pressed for time and cannot be applied to other mitzvos, especially for one like Kiddush Levanah that does not necessitate running since it could be said without a minyan.

Aruch Hashulchan³ cites the ruling of Chavos Yair but adds that if someone was running to save another person's life from a fire or a flood he will be exempt from liability for property that he

(Insight...continued from page 1)

bride refers to the holiness of the Shabbos which was instilled in the Seventh Day at the time of Creation. Later, when the Jewish people stood at Har Sinai and were given the many laws and enactments of Shabbos observance, the Shabbos day transformed into a king, who has the authority to demand that his subjects maintain his set of laws and regulations. He concludes that one does not go out to greet a bride, but subjects of a king do go to greet the king. R' Chanina declared that they should go out to greet the Shabbos king, whereas R' Yannai stood in his place as the Shabbos bride arrived. ■

damages since he is authorized under such conditions to run in the public domain. Teshuvos Shevet Halevi⁴ was asked whether an ambulance driver who damages cars on his way to an emergency, lifesaving mission is liable to pay for the damage he causes on the way, or is he exempt because he is authorized to drive quickly through the public domain. He ruled that the driver is exempt and based his ruling on Shulchan Aruch's ruling that one is exempt from paying for damages he caused while trying to save Shimon from Reuven who is pursuing him. The reason is that if one was liable for damages in that case it would serve as a deterrent from getting involved and therefore he is granted an exemption. Similarly, in this case if an ambulance driver was liable for the damage he inflicts no one would choose to fill that role and that is not in the interest of the community. ■

1. מרדכי סי' ל"ט
2. שו"ת חות יאיר סי' ר"ז
3. ערוה"ש סי' שע"ח סע' י"ט
4. שו"ת שבט הלוי ח"ט סי' רצ"ג ■

STORIES Off the Daf

"Welcome, O Bride"

מתעטף וקאי ואמר בואי כלה

It is well known that every action of the Brisker Rav, zt"l, was carefully thought out and was what he felt he was obligated to do according to the halachah. Nothing was done in a haphazard fashion. Every act was weighed and measured by the yardstick of r'tzon Hashem before it was embarked upon.

One Friday, Rav Raphael HaKohen, zt"l, Rav of Teveria, paid a visit to the Brisker Rav. He was surprised when, close to the time of sunset, the Rav put on his hat and jacket and stood to say, מזמור שיר, ליום השבת.

Knowing the Rav as he did, he tried to find a source for this strange custom. "Is

the reason why the Rav put on his jacket and hat and stood to say this mizmor the Gemara in Shabbos 25? There, Rav relates the custom of Rav Yehudah bar Ila'ai. Erev Shabbos, they would bring him a vessel filled with hot water and he would wash his face, hands, and feet. He was then 'מתעטף—he would 'wrap himself' in a garment—and was like a צבאות ה' "מלאך ה' "

The Brisker Rav replied in the negative. "We are not on the level to imitate angels..."

After a moment he explained. "The reason I follow this practice is what we find in Bava Kama 32. Issi ben Yehuda admits that on Erev Shabbos, בין השמשות, one is not obligated for damaging someone while running through the public domain since he runs with permission. What permission is there? Like Rav Chanina would say, 'Let us go out and greet the Shabbos

queen.' Others say, 'Come let us greet the Shabbos bride, the queen.' Rav Yanai would cloak himself, stand and say, בואי כלה בואי כלה

"Would one ever go to greet the king without a hat or jacket? Could one possibly greet a king while seated? In honor of the malchus one must put on a hat and jacket and stand and accept upon him the holiness of Shabbos!"¹ ■

1. עובדות והנהגות לבית בריסק חלק ב' ע' ס"ג

(Overview...continued from page 1)

through gross negligence that borders on the intentional.

A second version of R' Yosi bar Chanina's explanation is presented.

The Gemara discusses whether each version would agree with the other.

The Gemara contrasts the first Baraisa with a second Baraisa.

The contradiction is resolved. ■