

OVERVIEW of the Daf

1) Dividing the assets of a partnership (cont.)

The Gemara continues to retell an incident of a partner who divided the assets of a partnership without the presence of a Beis Din.

R' Safra inquires from Rabbah bar R' Huna for the source that a Beis Din is required to divide the assets of the partnership.

Rabbah unsuccessfully challenged the source cited by Rabbah bar R' Huna.

2) MISHNAH: The Mishnah continues its discussion of finding lost animals and then moves on to a discussion of unloading and loading an animal.

3) Clarifying the Mishnah

Rava explains the circumstances of the barn mentioned in the Mishnah.

R' Yitzchok asserts that the case of the Mishnah refers to a barn that is located within the techum of the city.

This implies that an animal that is found in a public domain must be returned even if it is found within the techum.

A second version of the Gemara's analysis of the Mishnah is presented.

A Baraisa is cited that elaborates on the exemption from listening to a father who instructs his son to commit a transgression.

The necessity for an exposition to teach this principle is explained.

4) Loading and unloading an animal

The Gemara explains that the dispute between Tanna Kamma and R' Shimon relates to whether one could demand payment for loading a friend's animal.

A Baraisa is cited that presents this dispute more explicitly than the Mishnah.

The exchange between Rabanan and R' Shimon is presented.

5) The suffering of living creatures

Rava infers from the previous discussion that the suffering of living creatures is a Biblical concern.

An unsuccessful attempt is made to dismiss the proof from this dispute and the Gemara indeed concludes that the suffering of living creatures is a Biblical concern.

An attempt is made to support the above conclusion from a Baraisa but the proof is rejected.

Two unsuccessful attempts are made to demonstrate that the suffering of living creatures is not a Biblical concern. ■

Today's Daf Digest is dedicated
 לזכר נשמת
 הרב הקדוש רבי אלימלך בן
 הרב הקדוש רבי אליעזר ליפמאן זצלה"ה
 מליזענסק

Distinctive INSIGHT

The mitzvah of honoring parents

סלקא דעתך אמינא הואיל והוקש כיבוד אב ואם לכבודו של מקום וכו' לציית ליה, קא משמע לן דלא לשמע ליה

A Baraisa teaches the lesson that if a parent instructs a child to violate the law in the Torah and not return a found object, the child must not obey. This halacha is based upon the verse from Vayikra (19:3) which connects fear for one's parents with observing the Shabbos and honoring Hashem. The lesson, explains the Baraisa, is that everyone, parents and children, are all commanded to honor Hashem, and a parent therefore cannot expect a child to violate this trust.

The Gemara immediately asks, why is it necessary to bring a special lesson from a verse to teach this law? When a parent instructs a child not to return an object and thereby violate a law of the Torah the child would be faced with a *עשה מצות* to obey, but this is countered with a combined *עשה לא תעשה* (not to ignore a lost object) and an *עשה* (the responsibility to return it). It would be obvious that the child not obey the parent even without the verse as a single mitzvah cannot take precedence over a combined negative and positive mitzvah. The Gemara answers that the mitzvah to honor one's parent is unique, as it is associated with the mitzvah to honor Hashem. We might have thought that this mitzvah is weighted heavily, and that one should obey a parent even when confronted with a negative and positive mitzvah not to obey him or her.

The Torah expresses the concept that everyone is commanded to listen to Hashem with an illustration of keeping

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REVIEW and Remember

1. When does the owner of an animal have the right to expect a bystander to unload his animal without his assistance?

2. What is the source that a parent does not have the authority to instruct a child to commit a transgression?

3. How does Rava demonstrate from our Mishnah that the suffering of animals is a Biblical concern?

4. Why is it a greater mitzvah to assist an enemy rather than a friend?

HALACHAH Highlight

Limitations on the mitzvah to honor a parent

מנין שאם אמר לו אביו היטמא ... שלא ישמע לו

How do we know that if a father instructs his son to become tamei... that he should not listen to him?

There was once a woman who was very ill and she commanded her son that after she dies he should not rent out his home to others. It happened to be that while the woman was still alive the son had been renting out his home to an elderly Torah scholar who expressed a desire to learn for the benefit of the deceased woman. On the one hand, the son wanted to fulfill the directive of his mother but on the other hand, maintaining the Torah scholar in his home to be able to learn is also a great mitzvah so perhaps he should ignore his mother's command since it is equivalent to her instructing him to not perform a mitzvah. Teshuvos Chavos Yair¹ wrote that the son should comply with his mother's directive and it is not considered as though she is instructing him to not fulfill a mitzvah. There is a fundamental distinction between an obligatory mitzvah and a voluntary mitzvah. All of the examples in the Gemara are mitzvos that are obligatory but maintaining a Torah scholar in one's home is only a voluntary mitzvah and as important as that may be it does not override a child's obligation to comply with a parent's command.

Another related question is whether a child is obligated to comply with a parent's request that does not provide the parent with any physical benefit. Darkei Moshe² in the name of Maharik writes that a child is not obligated to comply with a parent's request if it does not provide the parent with physical benefit. Chazon Ish³ cites other authorities who maintain that if a parent is sincere in his request the child must comply even

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the Shabbos. Rashba (Yevamos 5b) notes that the particular example not to listen to a parent who tells a child to violate Shabbos is a very extreme example for the Torah to use. Violating Shabbos is subject to כרת and סקילה. We might conclude that it is only in such a case that one should not obey a parent to go against the Torah, but in a case of ignoring a found object, which is not so severe, perhaps a parent's wishes should be heeded. Why does the Baraisa consider this verse as a source for a general principle regarding all laws?

Rashba answers that our initial understanding was that the honor of parents is equal to that of our honor for Hashem, and that a parent can therefore instruct a child to violate a law of the Torah. Once the Torah teaches that this approach is incorrect, we learn a parent cannot instruct a child to violate any mitzvah. With all its significance, the mitzvah of honoring parents cannot eclipse any mitzvah observance. ■

though it does not provide any physical benefit for the parent. Teshuvos Shevet Halevi⁴ was asked by a child whether he is obligated to listen to his parents who told him that he is not permitted to drink coffee. He responded that if the parents have a genuine concern, for example, they feel it is unhealthy for their son to drink coffee; he must comply with their request. If, however, they do not have a rational reason why their son should not drink coffee it is subject to the general disagreement whether a child is obligated to comply with a parent's request that does not provide the parent with a physical benefit. ■

1. שר"ת חות יאיר סי' רי"ד
2. דרכי משה יו"ד סי' ר"מ
3. חזו"א יו"ד סי' קמ"ט אות ח'
4. שר"ת שבט הלוי ח"י סי' קנ"ו ■

STORIES Off the Daf

Helping one's enemy

מצוה בשונא

The Chofetz Chaim, zt"l, once explained the insidious nature of hatred and how much one must guard against this evil. "On Bava Metzia 32 we find that if a person can either help unload his friend's animal or help load the animal of a person he hates, he should first help his enemy. The gemara explains that this is to force him to overcome his natural inclination to avoid helping his enemy.

"This mitzvah is not referring to a person one is forbidden to dislike, since it is obvious that he should help such an enemy first. It mainly means a person that that Torah permits him to hate.¹ Even though it is halachically permitted to hate such a person, there is a possibility that as a result of this permitted hatred one will become accustomed to despise others simply for the sake of hating. Of course, this leads to violating the prohibition against שנאת חנם by indulging in hatred that is not for the sake of heaven."

He concluded, "In order to protect a person from such a slip, the Torah guides him to force himself to help people he is

permitted to hate before he helps those whom he loves."²

Rav Moshe Feinstein, zt"l, added that there are clear halachic guidelines even regarding whom one may hate. "One must not despise even a sinner merely to gratify a lowly urge to hate his fellow creature. For example, if one happened to have an argument with a person who is a big sinner and is angry at him, he may not start hating him and use the sins as an excuse for these negative feelings. One may only hate a sinner for the sake of heaven!"³ ■

1. החפץ חיים סבר כתוס' פסחים ק"ג וכתבינו פרץ
2. מאיר עיני ישראל ח"ד ע' 23
3. דברות משה ב"מ פ"ב הערה ע"ז