



OVERVIEW of the Daf

1) The suffering of living creatures (cont.)

Another unsuccessful attempt is made to demonstrate that the suffering of animals is not a Biblical concern.

The proof was deflected by suggesting that the Baraisa follows R' Yosi HaGalili who is known to maintain that the suffering of living creatures is only a Rabbinic concern.

2) Loading and unloading an animal (cont.)

A Baraisa elaborates on the obligation of loading and unloading an animal.

A Baraisa teaches that one must accompany the animal after it has been loaded but one is permitted to demand payment for that time.

3) MISHNAH: The Mishnah lays down the rules for how to prioritize retrieving one's lost objects and a parent's or rebbi's lost object. The Mishnah also touches upon how to prioritize assisting a father and a rebbi.

4) Clarifying the Mishnah

The source that allows a person to prioritize his own needs is cited but R' Yehudah in the name of Rav warns against the practice.

A Baraisa presents different opinions regarding the definition of the rebbi discussed in the Mishnah.

Two examples of someone who qualifies as a rebbi because he taught a single Mishnah are presented.

Ulla makes a statement that relates to this discussion.

R' Chisda presented a related inquiry to R' Huna which, due to a misunderstanding led both of them to observe forty fasts.

R' Yochanan and R' Sheishis follow different opinions, recorded in the earlier-cited Baraisa, regarding the criteria necessary to qualify as a rebbi.

R' Yochanan's position is unsuccessfully challenged.

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REVIEW and Remember

1. At what distance does one become obligated to assist unloading an animal?

2. What are the three opinions regarding the correct definition of a rebbi?

3. According to the Navi Yeshaya, who are the true "charedim"?

4. Why does the Mishnah mention animals and utensils?

Distinctive INSIGHT

Must the father be as great a scholar as the rebbe?

ואם אביו חכם של אביו קודמת

The Mishnah taught that if a person is faced with the opportunity to return a lost object to either his father or his rebbe, the object of his rebbe takes precedence. However, if one's father is also a Torah scholar, the finder should return the object of the father.

The wording of the Mishnah does not differentiate whether the father is a greater scholar than the rebbe, or if he is less of a scholar than the rebbe. Once the father is qualified as a scholar in his own right, the halacha is that his son must give priority to his lost object over that of the rebbe. However, the text of the Mishnah as it appears in the pages of the Ri"ף reads, "If the father was an equal scholar to the rebbe, his object should be returned first." This text teaches that if the father was a scholar, but of a lesser caliber than the rebbe, the lost object of the rebbe must be returned first. Pnei Yehoshua notes that the Mishnah would be teaching that once the father is at least as qualified as the rebbe, the son is required to serve his father's needs, even if the son has learned more from his rebbe than he did from his own father.

The commentators discuss what seems to be a contradiction in the rulings of Rambam in this area. In Hilchos Talmud Torah (5:1) he rules that if the father is a scholar, even if he is not as knowledgeable as the rebbe, the son must give priority to returning his father's object. This ruling of Rambam follows the text as it appears in our Mishnah. Yet, in Hilchos Gezaila v'Aveida (12:2), Rambam writes that the son must return the father's object first only if the father is as qualified as the rebbe, or if he is greater. The wording in this halacha follows the text found in the Ri"ף, and conflicts with the earlier ruling.

הגהות מיימינות and Kesef Mishne write that the ruling of Rambam as cited in Hilchos Talmud Torah is obviously a printer's error, and the correct ruling is according to Ri"ף, that the father's scholarship must be equal to that of the rebbe in order for the son to prioritize returning his father's object.

רדב"ז explains that if the father learned with the son, and he then sent the son to learn with a rebbe, then the father's object must be returned even if the father is less of a scholar than the rebbe, as we find in Hilchos Talmud Torah. If the father never learned with his own son, the son only has to return his father's object first if the father is a greater or equal scholar to the rebbe, and this is the halacha found in Hilchos Aveida. ■

HALACHAH Highlight

Prioritizing one's father or one's rebbi

A father's lost object and a rebbi's lost object

Teshuvos Shevet Menashe¹ addressed the question of a minor who has the right to perform a mitzvah and would like to honor his father or his rebbi with that honor; who is given preference? He writes that at first glance it seems that this question relates to the discussion in our Gemara related to prioritizing the return of lost objects to a parent or a rebbi. The Gemara rules that preference should be given to the lost object of one's rebbi since one's rebbi leads one into the World-to-Come whereas a parent only brings a person into the physical world. This indicates that the obligation to honor a rebbi is greater than the obligation to honor a parent. The difficulty with this approach comes from the Gemara Megillah (24a) which relates that a child who has the right to lead the services can give the honor to his father or his rebbi. Since the Gemara mentions a father before a rebbi it seems that a child has a greater obligation to honor a parent than a rebbi which contradicts the inference that was drawn from our Gemara. Turei Even² writes that there is a distinction between כבוד—honor and זכויות—privileges. When it comes to the issue of honor, the child has a greater obligation to honor his rebbi than his father but when it comes to privileges the father comes first similar to the right a father has in the monetary acquisitions of his son. Therefore, concludes Shevet Menashe, when a child has the privilege to perform a mitzvah he should prioritize his father ahead of his rebbi.

In a related matter Poskim disagree whether one should name a child after one's rebbi or after a parent. Sefer Ziv

אבדת אביו ואבדת רבו

5) The merit of studying

A Baraisa elaborates on the merit for studying Scripture, Mishnah and Talmud.

R' Yochanan resolves a contradiction in the Baraisa regarding the value of Torah study.

The source for the statement that nothing is better than the study of Talmud is presented.

Another exposition from R' Yehudah the son of R' Ilai regarding Torah study is recorded.

הדרן עלך אלו מציאות

6) **MISHNAH:** The Mishnah discusses what happens when an item that was given as a deposit is stolen or lost.

7) Clarifying the Mishnah

The necessity for the Mishnah to discuss stolen animals and utensils is explained.

Rami bar Chama questions the Mishnah's ruling that the owner can convey כפל to the watchman when one is not able to make a transaction on something that has not yet come into the world. ■

Hasheimos³ cites our Gemara that prioritizes returning a rebbi's lost object ahead of a father's lost object as an indication that preference should be given to naming a child after a rebbi ahead of naming a child after a parent. Teshuvos Mishnah Halachos⁴ disagrees and cites a Midrash as well as the comments of many ancient authorities that one should name children after their ancestors and this value overrides the value of naming a child after one's rebbi. ■

1. שו"ת שבט מנשה סי' ל"ח

2. טורי אבן לגמ' מגילה שם

3. ספר זיו השמות פ"ט סע' ב'

4. שו"ת משנה הלכות ח"ו סי' רנ"ב ■

STORIES Off the Daf

Putting oneself first

"אבידתו ואבדת רבו שלו קודמת..."

For Rav Chaim Solevitchik, ז"ל, halachic reality was the mainstay of life and trumped every other feeling or consideration. Although it was known that he was normally squeamish and felt faint from the sight of blood, the blood at a bris never seemed to trouble him. Amazingly, he could even serve as sandak without the slightest qualm. When he was asked how he managed to control his normal aversion he responded, "But this is not blood, it's דם ברית!"¹

Once, when Rav Chaim was very ill, Rav Borch Ber Lebovitz, ז"ל, came to visit. Rav Chaim suffered acute pain and every little while he would groan pathetically. Rav Boruch Ber, who felt a boundless love for his teacher and could hardly tolerate seeing him endure such suffering, made a very shocking statement. "I wish I could take the Rebbi's pain in his stead!"

The moment Rav Chaim heard this he turned to Rav Boruch Ber and gently rebuked him. "I cannot stand to hear you say such words, since they are a contradiction to a straightforward mishnah!"

When Rav Boruch Ber later related this story, he explained that at the time he lacked the emotional strength to ask

his teacher which mishnah he meant, especially since he always felt very intense awe for his mentor. Yet after he considered the matter, he understood which mishnah his teacher had referred to. "My rebbi meant the Mishnah in Bava Metzia 33. There we find that one who can only save his own lost object or his teacher's lost object should recover his own. This is also the halachah.

"Clearly, if one's money takes precedence before his teacher's, the same is true regarding saving his body. He must save himself pain before rescuing his teacher from the same pain!"² ■

1. מגד גבעות עולם

2. עובדות והנהגות לבית בריסק, ח"ד, ע' ל"ד