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The Chicago Center

OVERVIEW of the Daf

1) Clarifying the dispute between Beis Shammai and Beis Hillel

A Baraisa is cited that presents the rationales behind Beis Shammai and Beis Hillel's positions and the exchange between them.

2) The exemption for tilting the barrel

Rabbah asserts that the custodian who tilted the barrel is exempt only if the barrel broke but if the wine went sour he is liable.

3) Lifting the barrel

Shmuel asserts that once the custodian lifted the barrel he is liable even if he did not take any wine.

The Gemara dismisses the suggestion that Shmuel maintains that misappropriation is not dependent upon a loss.

R' Ashi asks whether a custodian is liable for a wallet once he lifts it to take a coin and the Gemara leaves the matter unresolved.

הדרן עלך המפקיד

4) MISHNAH: The Mishnah discusses cases of using one type of currency to purchase another and clarifies which coins are considered the merchandise and which are considered the payment. The Mishnah also discusses when in the course of a transaction the parties can renege and when they may not.

5) Exchanging gold and silver

R' Shimon points out to his father, Rebbi, that he used to teach that gold acquires silver but now he teaches that silver acquires gold and wonders whether his father changed his opinion on the matter.

The rationales behind Rebbi's differing opinions are presented.

R' Ashi unsuccessfully attempted to prove that Rebbi's earlier teaching was more correct.

It is suggested, although rejected that R' Chiya also suggested that gold is considered money relative to silver coins.

Rava cites a Baraisa to prove that gold is considered money relative to silver coins.

In the course of citing the Baraisa the Gemara clarifies matters mentioned in the Baraisa.

A Mishnah in Ma'aser Sheni is cited that presents a dispute between Beis Shammai and Beis Hillel.

R' Yochanan and Reish Lakish disagree about the point of dispute between Beis Shammai and Beis Hillel.

The Gemara unsuccessfully challenges the second Amora's explanation of the dispute.

The Gemara begins an attempt to demonstrate that R' Yochanan is the one who maintains that we cannot deconsecrate ma'aser sheni produce onto gold coins. ■

Distinctive INSIGHT

Silver is important and it is readily accepted for exchange
הזהב קונה את הכסף

In reference to the halacha that copper can effect a transaction and acquire silver, Rashi explains: "Dinarim of silver, or any coin of silver [share the halacha that they are a currency] for the same reason. A commodity that is important enough to be minted is considered currency, and it cannot effect the transaction. That which is not important (אינו חשוב) and not readily accepted as exchange (אינו חריף) is the commodity considered merchandise. It is the transfer of the merchandise that effects the transaction."

There are a number of details in need of clarification within these comments of Rashi as we begin this perek. Rashi points out that "silver" refers to either a "dinar or any coin," although he did not make this point in the previous entry to begin the Mishnah. Furthermore, Rashi explains that an item being defined as merchandise is a function of its being relatively either not important or not accepted as exchange. Yet, as the Gemara begins, our Mishnah is identified as being the opinion of Rebbe in his old age, and the only factor used to determine whether an item is currency or merchandise is its being accepted as exchange, and not its importance. Why does Rashi add the fact that merchandise is something that is relatively not important?

Some suggest that Rashi wants to point out that when silver is minted as a coin, it is readily acceptable as currency whether it is minted as a valuable coin or whether it is a coin of a lesser denomination. Rashi therefore makes his comment in reference to the second case of the Mishnah, where copper can acquire silver. Rashi wishes to emphasize that even though copper is more readily acceptable as currency

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REVIEW and Remember

1. What is Beis Shammai's source that one is liable even if he only has intent to misappropriate?

2. When is a person subject to a מי שפרע?

3. What is סאה בסאה?

4. What is the point of dispute between R' Yochanan and Reish Lakish?

HALACHAH Highlight

How to refer to a father who is also one's rebbi

א"ל רבי שנית לנו בילדותיך וכו'

He [R' Shimon] said, "Rebbi you taught us in your youth etc"

The Gemara Pesachim (56a) relates that when Yaakov Avinu wanted to reveal the End of Days to his children the Divine Presence left him. Yaakov became alarmed that this was an indication that one of his children was not loyal to Hashem. In response to this concern his children made the declaration, "שמע ישראל וגו'". From this story it is evident that the sons were calling their father Yisroel, and Shelah[1] asks why they would refer to their father by his first name when halacha prohibits a child to refer to his father by his first name. He answers that their use of the term Yisroel was not a reference to Yaakov's name; rather it was used as a title of honor and greatness similar to calling him אדוננו –our master. The use of the term Yisroel rather than "father" indicates, concludes Shelah, that if one's father is also his rebbi it is a greater demonstration of respect for the son to refer to him as his rebbi than as his father. Darchei Moshe[2] also writes that one should refer to his father who is his rebbi with the title, "Rebbi" rather than "Father" and he demonstrates this principle from our Gemara where we find that R' Shimon referred to his father with the title, "Rebbi" rather than "father."

Shach[3] questions this ruling since we do not find people following this ruling and sons do not call their father "Rebbi" even when their father is their teacher. He suggests that although it is true that one is obligated to demonstrate more honor for a rebbi than a parent, nevertheless, it is more appropriate to refer to one's father who is also his rebbi with the title "father" rather than "rebbi" since that is the way he referred to him since he was a child. Furthermore, it can be assumed that the father is willing to forgo that additional honor and he considers it sufficient to be called "father." Concerning our Gemara, Shach writes that Rebbi, the father of R' Shimon, was an exception to the rule since he represented a unique combination of Torah and greatness that did not exist since the time of Moshe Rabbeinu and therefore it was appropriate for even his son to recognize that greatness. Generally, however, sons should refer to their father who is their rebbi with the title "father." ■

1. של"ה הק' פרשת ויחי.
2. דרכי משה יו"ד סי' רמ"ב אות א'.
3. ש"ך שם סק"א. ■

(Insight. Continued from page 1)

than is gold, it is still a commodity relative to silver coins. And, accordingly, gold is only a commodity relative to silver. Rashi then explains that the reason for this is that silver is more valuable than copper, and it is therefore accepted in all places. This is also what is meant later when the Gemara reports that there are places where copper is not even accepted at all as currency, and we therefore define copper as a commodity vis-à-vis silver.

Others explain that the lesson of Rashi is that something can be considered as a currency if it is either important (חשיב) or if it is readily accepted as exchange (חריף). Relative to gold, which is important, silver is a currency due to its greater significance in that it is readily exchanged. This is why earlier, while contrasting silver to gold, Rashi did not mention smaller denomination coins which do not circulate as easily, and he did not mention silver being important. It is only in reference to copper that these factors are critical. ■

STORIES Off the Daf

"He who exacted payment..."

"אבל אמרו מי שפרע מאנשי דור המבול ..."

Someone once asked the Chidushei HaRim, zt"l, "I simply do not understand the Mishnah on Bava Metzia 44. There we find that chazal cursed a person who does not keep his word with the following statement: 'He who exacted payment from the generation of the flood, the generation of the tower of Bavel, and the people of Sodom and Amorrah, and who drowned the Egyptians, will also obtain payment from one who does not keep his word!' But giving one's word does not halachically constitute any sort of kinyan, so why is he punished so severely?"

The questioner continued, "I also find it hard to understand why the people of the flood and all those others were punished for stealing less than a perutah. After all, less than a perutah is not halachically money, so why do they deserve such severe punishment for this sin?"

The Chidushei HaRim replied in a very sharp manner, "Because doing something that is not 'menschlach' is also a big sin—much bigger than people think. One who doesn't keep his word or who is part of a plan to steal all of the victim's money in intervals of less than a perutah has acted in a manner that is not befitting a human being! This is why chazal spoke so harshly."[1]

The Chida, zt"l, understood the sages' statement differently, however. "The sin of one who does not keep his word is comparable to idolatry, the primary sin of the generation of the flood and the דור הפלגה. Is it any wonder that he is dealt with in such a severe manner?"[2] ■

1. שיח שרפי קודש, פרשת נח
2. מראית העין

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