

OVERVIEW of the Daf

1) Clarifying the dispute (cont.)

It is noted that R' Meir and R' Yehudah have a similar disagreement regarding orlah.

The necessity for R' Meir and R' Yehudah to dispute this issue in two contexts is explained.

2) R' Shimon's position

D'vei R' Yannai clarifies that according to R' Shimon the vegetables belong to the one who owns the upper garden as long as he can reach them without straining.

Inquiries are made about a circumstance in which the leaves of the vegetable are within reach but not the root or the root could be reached but not the leaves.

The inquiry is left unresolved.

Reish Lakish is cited as ruling in accordance with R' Shimon.

Shavor the king gave praise to the ruling of R' Shimon. ■

הדרן עלך הבית והעלייה

וסליקא לה מסכת בבא מציעא



REVIEW and Remember

1. When is a sprout considered a new tree for the halachos of orlah?

2. Why is it necessary to present the dispute between R' Meir and R' Yehudah in two contexts?

3. According to R' Shimon who owns the vegetables that can be reached by the upper level gardener only if he strains?

4. Why was King Shavor appreciative of R' Shimon?

Today's Daf Digest is dedicated
 לע"נ דוד ישראל ע"ה בן ר' יצחק אייזק עמו"ש

Distinctive INSIGHT

An allegorical finish

הלכה כרבי שמעון. אמרוה קמיה דשבור מלכא, אמר להו אפריון נמטיה לרבי שמעון

The final Mishnah of the massechta features a three-way dispute regarding ownership of that which grows on a hillside garden between two gardens, one on top of the embankment, and the other on the bottom. Rabbi Meir rules that the owner of the upper garden owns this growth, while Rabbi Yehuda contends that it belongs to the owner of the lower garden. Rabbi Shimon holds that whatever the owner of the upper garden can reach and take is his, and the rest goes to the owner of the lower garden.

Ben Yehoyada approaches this from an allegorical perspective. Yaakov and Eisav ended up dividing two worlds, with Yaakov choosing the world to come, and Eisav receiving his portion in this world. Eisav therefore claimed that Yaakov had no right to any goodness in this world, as all of it belonged to him. Yaakov, however, had a strong counter claim. This world cannot exist, and it is impossible for man to enjoy the benefits of this world, without drawing from the bounty of the heavens. The bounty of the land cannot sprout without the dew and the rains from above. Grain and fruits will not grow without the shining sun above, together with the moon and the stars. The very light of day and the glow from above at night is from these heavenly bodies. Furthermore, every creature that breathes needs air from the winds, which, again, are generated from the skies above.

The claim of Eisav is only to acquire the earth, but the heavens and the skies remain spiritual entities which are the domain of Yisroel. The heavens are sustained by the Torah, prayers, and the mitzvos which the Jewish nation performs. In turn, all life on earth is to their credit and in their merit. The Jews are the sole source of the spiritual force which earns this heavenly bounty.

Allegorically, the two gardens in our Mishnah represent the two worlds. The one of the upper spheres belongs to Yisroel, and the one of the lower domain belongs to Eisav. The element growing on the slope between them subsists and nurtures from both the upper and lower domains. Rabbi Meir sees this middle growth as completely belonging to the heavens. There would not exist any growth without the soil and nurturing from the top. Rabbi Yehuda sees the growth in the middle as coming from the bottom, while the assistance from above is insignificant, as it is not obviously perceptible. If the one on the bottom wished to do so, he

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HALACHAH Highlight

Teaching monetary law to gentiles

אמרורה קמיה דשבור מלכא

They repeated [R' Shimon's position] before King Shavor.

The Gemara Sanhedrin (59a) teaches that an idolater who studies Torah is subject to the death penalty. This ruling is challenged from a statement of R' Meir that even an idolater who studies Torah is equated with the Kohen Gadol. The Gemara answers that R' Meir's statement is limited to the study of the seven Noahide laws that gentiles must study and for which they are rewarded. Rambam¹ codifies this Gemara when he rules that an idolater who studies Torah is subject to death and the only part of Torah that he may study is the seven Noahide laws. Kesef Mishnah² explains that an idolater who studies Torah is deserving of death in the hands of Heaven but is not subject to the death penalty that would be administered by Beis Din. The reason he is not killed in Beis Din, explains Lechem Mishnah³, is that the prohibition is Rabbinic and the pasuk that is cited is merely an אסמכתא.

Teshuvos Sridei Eish⁴ writes that although there is a general prohibition against teaching Torah to gentiles it is permitted to teach them monetary law – דינים – since דינים is one of the seven Noahide laws. Proof to this assertion is found in our Gemara that relates that someone presented halachos of דינים before King Shavor and Rashi⁵ notes that he was an expert in monetary law. Sefer Ein Eliyahu⁶ cites Maharatz Chiyus who also draws the same conclusion and questions it from what is related in the Midrash. The Midrash relates that while it is true that gentiles are obligated to observe monetary law, nonetheless, their laws are based on what they agree amongst themselves as binding. Consequently, since Torah-based monetary law is not binding it remains in the category of Torah that is prohibited for a gentile to study. Hence, in the incident recorded in our Gemara it was not Torah that was taught to King Shavor; rather they related to him an incident which followed the ruling of R' Shimon. ■

1. רמב"ם פ"י מהל' מלכים ה"ט.
2. כס"מ שם.
3. לח"מ שם ה"ד.
4. שו"ת שרידי אש ח"ב סי' נ"ו אות י'.
5. רש"י ד"ה קמיה דשבור מלכא.
6. ספר עין אליהו ד"ה אמרורה. ■

STORIES Off the Daf

Nature vs. Nurture

"אפיריון נמטייה לרבי שמעון..."

On today's daf we find that Shavor Malkah, the king of Persia, praised Rabbi Shimon's opinion.

When Rav Yonasan Eibeschutz, זת"ל, was a mere eighteen years of age he was appointed to be Rav of Prague. This was the first time ever that such a young person presided over this ancient city's Jewish community, and the non-Jewish ruler of the city was shocked to hear that such a young rabbi would have tens of thousands of Jews under his jurisdiction. In those days, the ruler had to ratify the community's decision about a new leader and it was only with great reluctance that he finally agreed.

Shortly after Rav Yonasan Eibeschutz was appointed, the ruler summoned him to the palace to see if the high praises the Jewish notables of the community

had offered for their choice were not mere exaggerations in the case of one so young. The Rav arrived dressed as a distinguished nobleman and it did not take long for the ruler to admit that the Jews had not exaggerated in the slightest degree.

During that first meeting, a certain counselor of the ruler claimed that the nature of something is not so important. The main thing is nurture, the training and handling of the thing. He brought many proofs to his way of thinking, but Rav Yonasan disagreed.

A month after their debate, Rav Yonasan was summoned to the palace. He quickly changed his clothes and grabbed his snuff box as he dashed outside to the waiting carriage. When he finally reached the palace he was met with an astounding sight. Cats were walking on their hind legs carefully handling trays of beverages. As he stood gazing at this wonder, the wise man who had claimed that the main force is nurture said to him, "How can you say that nature prevails over nurture when I have demon-

strated clearly that nurture overcomes nature?"

Rav Yonasan was momentarily at a loss for a reply so he took a pinch of snuff to compose himself. Immediately a mouse—which he had earlier trapped in the box but forgotten—sprung out of the snuff box and ran amuck among the cats.

Crash! Immediately the cats cast down their trays and chased the mouse on all fours trying frantically to catch the wily creature. The ruler of the city shook Rav Yonasan's hand in a very friendly fashion and said, "You were right in your earlier words. Nature is stronger than even the best efforts of our highly developed understanding!"¹ ■

1. שרי המאה, ח"א, ע"י 132-137. ■

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could simply fill in the space, and no growth would be allowed. Rabbi Shimon concludes that Yisroel are the rightful owners of anything in this world which they can grasp, and Eisav has no claim against them. Only the remainder is for Eisav. ■