

# Daf Notes

Insights into the Daily Daf

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Bava Basra Daf 7

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## Daily Daf

### *Torah Protection*

The *Gemora* records an incident: Two brothers lived together in a house that they inherited. One lived in the upper floor, while the other one lived in the lower apartment. The walls of the lower apartment began to sink (*causing the floor of the upper apartment to drop until the brother living in the lower one was forced to bend his head in order to enter his apartment*). The lower one said to the upper one, "Let us go and destroy the house and then rebuild it (*so we can live in it comfortably*)." The brother living in the upper apartment responded, "I am living comfortably upstairs (*and have no compelling reason to demolish the house*)." The lower one replied, "Then let me destroy it and then rebuild it (*with my own money*)." The brother responded, "Meanwhile, I will have nowhere to live." The lower one replied, "I will rent you a place." The other rejected this offer as well, and said, "I do not want the bother." The lower one asked, "But I cannot live in my place!?" The upper one replied, "You can crawl on your stomach to get in, and crawl on your stomach to get out."

Rav Chama ruled: The brother living upstairs has the right to prevent him from rebuilding (*even though the lower one is paying for everything; this is because the apartment is somewhat habitable*). This, however, is the case only if the beams of the upper apartment did not sink lower than ten *tefachim* from the ground, but if they descended below this, the

owner of the lower apartment can say, "Below ten *tefachim* is my property and is not subject to your use." [*He therefore would have a right to demolish it and then rebuild it.*]

Furthermore, the brother residing above was within his rights only if they had not made an agreement with each other (*that if the floor ever sinks, we will destroy and rebuild it*), but if they had made such an agreement, they must demolish the house and rebuild it.

The *Gemora* asks: And if they did make such an agreement with each other, how low must the floor sink before the one below can demand that it should be rebuilt?

The Rabbis stated in the presence of Rabbah in the name of Mar Zutra the son of Rav Nachman, who said it in the name of Rav Nachman: The minimum requirement for the lower apartment has been taught in a *Mishna*: Its height must be equal to half of its length and half its width combined.

Rabbah said to them: Have I not told you not to hang empty pitchers on Rav Nachman (*for in a large apartment, that height would be more than adequate*)? Rav Nachman really said: If the lower apartment is fit for human habitation, he cannot destroy the house.

The *Gemora* asks: And how much is this?

Rav Huna the son of Rabbi Yehoshua said: It should be big enough for one to bring in a bundle of long reeds from Mechuza and turn around with them.

Rabbi Yochanan asked why he did not prove this point from the verse in Shir Hashirim that states *ani choma v'shadai kamigdalos – I [the Jewish nation] am a wall, and my breasts [the Sages, who feed the nation Torah] are like towers.*

The *Gemora* explains that Rish Lakish reads this verse differently, with the wall symbolizing the Jewish nation, and the towers symbolizing the synagogues and study houses.

Rav Nachman bar Rav Chisda collected the head tax from the Sages. Rav Nachman bar Yitzchak objected, saying that this was contrary to the Torah, the Nevi'im and Kesuvim:

1. The Torah says that even when Hashem shows favor to the nations, letting them dominate the Jews, all of the holy ones of the Jewish nation – who travel from city to city to study Torah - are protected by Hashem's hand.
2. The Navi says that if all the Jews study Torah, Hashem will gather them from exile, while if only some study Torah, they will be exempt from government-imposed tax.
3. In Kesuvim, Daryavesh decreed that the Men of the Great Assembly did not have to pay various taxes – a tax for the king, a head tax, and an income tax.

Rav Pappa collected funds for a new well from orphans' estates. Even though the orphans cannot forgive the money in case the well is not dug, Rav Pappa explained that he would return the money in that case.

Rav Yehudah says that to pay for doors on the city gate, one collects even from orphans, but not from Sages, since they are protected without it. To pay for digging for drinking water, all pay, including the Sages, since they also need water. However, if the contribution to the project is actual digging, the Sages are not obligated, since it is inappropriate for them to do such heavy labor. (7b - 8a)

## ***For Torah Students Only...***

Rebbe opened up storehouses of food during famine, but said that only people who learn Torah may enter. Rabbi Yonasan ben Amram, a student of Rebbe, squeezed in, but Rebbe did not recognize him. When Rebbe asked him whether he learned various parts of Torah, he denied any of them. Rebbe asked him why he should feed him, and Rabbi Yonasan answered that Rebbe should feed him like a dog and a raven, whom Hashem feeds in his mercy. Rebbe agreed, and fed him.

Later, Rebbe felt bad that he gave food to an *am ha'aretz* – one ignorant and dismissive of Torah. Rebbe's son, Rabbi Shimon, suggested that this '*am ha'aretz*' may have been Rebbe's student, Rabbi Yonasan, who does not want to benefit from his Torah study. Upon investigation, this was confirmed, and Rebbe then allowed all to take from the storehouse.

The *Gemora* explains that Rebbe set up his initial policy of excluding *amei ha'aretz* from the food, since Rebbe holds that all misfortune that occurs is due to the *amei ha'aretz*.

The *Gemora* relates a story to illustrate this. The King once instituted a tax on Teveria, where Rebbe lived. When the *amei ha'aretz* came to Rebbe to ask the Torah scholars to contribute, he refused. The *amei ha'aretz* threatened to flee the city, and Rebbe told them to do so. Half fled, and the king then reduced the tax by half. The remaining half again approached Rebbe, but he still refused to collect from the Torah scholars. This half also fled, only leaving one clothing cleaner. The king then imposed the tax on him. When he fled too, the king repealed the tax, leading Rebbe to state that the tax only was imposed due to the presence of the *amei ha'aretz*. (8a)

## ***Residency Status***

The *Mishna* said that one must live in the city for twelve months to be considered a resident, subject to the fees of the city.

The *Gemora* challenges this from the rule of *ir hanidachas* – a city whose majority of dwellers worship idolatry. The braisa says that traveling workers who pass through such a city are judged as individual idol worshippers. However, if they stayed in the city for thirty days, they are judged as part of the city.

Rava explains that *ir hanidachas's* rules apply to *yoshvai ha'ir* - the dwellers of the city, which is a category attained after thirty days, while the *Mishna* is referring to a resident, which requires twelve months residency. Similarly, if one forswears benefit from *yoshvai ir* - the dwellers of a city - he may not benefit from anyone living in the city at least thirty days, while if he forswears benefit from the people of the city, he is only prohibited from those who lived there at least twelve months.

The *Gemora* clarifies that residence for twelve months is necessary to collect wood to strengthen the gates of the city. At thirty days, a dweller must already donate to the *Tamchui* (soup kitchen); at three months, he must donate to the general charity fund; at six months, to the clothing fund, and at nine months to the burial fund.

Rabbi Yochanan says that to pay for the wood for the gates, the city collects from all, including orphans, but not from the Torah scholars, since they need no protection. Rav Pappa similarly says that to collect funds to strengthen the walls, to pay for guards, and for the ammunition watchman, all pay, including orphans, but not Torah scholars. The *Gemora* explains the general rule: Whoever benefits from a service must contribute towards it. (8a)

### ***Charity from Orphans***

Rabbah collected charity from the orphans of bar Merion's estate. When Abaye challenged him from a statement of Rabbi Shmuel bar Yehudah, who forbids collecting charity from orphans, even to redeem captives, Rabbah explained that he did this only to enhance the reputation of the deceased. (8a)

### ***A Big Mitzvah***

Ifra Hormiz, the mother of Shevor the Persian king, gave a purse of money to Rav Yosef, with instructions to use it for a big *mitzvah*. From this statement of Rabbi Shmuel bar Yehudah, Rav Yosef concluded that redeeming captives is a big *mitzvah*, and used the money for that.

The *Gemora* explains that redeeming captives is a big *mitzvah* due to the horrible predicament a captive is in. The verse in Yirmiyahu lists four fates that may befall a person - natural death, death by sword, by famine, or in captivity. This list is in progression from best to worst. The least severe is natural death, since it is less degrading than sword, and the verse says that Hashem reserves such death for his righteous. The next is sword, which is less painful than famine, and is indicated by the verse in

Eichah that states that those who were killed by sword were better than those who died of famine. The worst is captivity, where the captive may experience any of the bad fates, since he is at the mercy of his captors. (8a - 8b)

### ***Charity Collection***

The *braisa* states that charity should be collected by two collectors, and it is distributed by three people. The *tamchui* collection, which was distributed daily, was collected by three people, since it was immediately distributed by the same people. The *braisa* explains that the *tamchui* was distributed daily, and available to all poor, while the *kupah* charity was distributed on Fridays, only to local poor. However, the city can decide to transfer funds between the *kupah* and *tamchui*, and even to divert these funds to other municipal needs. The city can also establish local weights and measurements, wage levels, and fines for those who do not adhere to these local rules.

The *Gemora* explains that there is a hint to the requirement of two people to collect charity, from the collection of the donations for the *Mishkan*. The verse says *v'haim yikchu es hazahav* - and they will take the gold. The use of the plural indicates at least two people collecting. The *Gemora* explains that the requirement of two is not an issue of trust, but a function of the power of collection, which includes placing liens on people's property, even on Friday, when people are occupied with *Shabbos* preparations. Therefore, the two may be brothers or other relatives, who would not be considered two witnesses for any court case.

The *Gemora* clarifies that charity collectors can only forcibly collect if they estimate that the person can afford to pay the levied amount. If the person cannot, the charity collectors are considered to be oppressing him.

The *Gemora* explains various readings of a verse. The verse refers to righteous people in different metaphors:

*maskilim yaz'hiru k'zohar haraki'a* - the smart ones will shine like the sky.

*matzkidai harabim kakokhavim* - those that bring merit to the community are like stars.

The first version identifies the first group as a judge that administers only true justice, avoiding anything that seems suspect, while the second group is charity collectors, who bring merit to those from whom they collect.

The *braisa* identifies the first group as a judge that metes out true justice, and charity collectors, while the second group is those who teach small children Torah, thereby bringing merit to the community.

Rav Shmuel bar Shailas was such a teacher, and was very devoted to his students. Rav once saw him tending to his garden, and questioned whether he had abandoned his devotion to his students. Rav Shmuel explained that he hadn't tended to his garden in thirteen years, and even now was supervising his students at the same time.

The end of the verse mentions *ohavav* – *those who love Hashem*, and that refers to Torah scholars.

The *braisa* lists rules that charity collectors must follow to avoid any suspicion:

1. The two collectors must collect together, to ensure no one thinks that one of them kept some money for himself. They may split up to go to different venues, as long as they can see each other.
2. If a collector finds money in the street, he must put it in the charity purse, so no one thinks he is putting charity money in his pocket. When he returns home, he may retrieve the found money privately.
3. If a collector collects a personal debt in the street, he must also put the money in the charity purse, to avoid any suspicion, and then retrieve the money privately at home.
4. If there are no poor to distribute the charity to, and the collectors want to consolidate the coins into larger currency, they must do so with a moneychanger, and not with their own money.
5. If there is no poor to distribute food to, the food may be transferred to money, but only through a sale to a third party, and not the collectors themselves.
6. When they count the charity, they must count each coin individually, to ensure no one thinks they are embezzling some of the charity money.

Abaye says that Rabbah originally wouldn't sit on the mats in the synagogue, since he was concerned they were bought with charity funds not intended for such use. When he heard that the city can divert funds as necessary, he sat on the mats.

Abaye says that Rabbah originally kept separate accounts for local and foreign poor. When he heard that Shmuel

told Rav Tachlifa bar Avdima to make one account, with a condition that it can be used for either, he also kept only one account.

Rav Ashi says he doesn't even need an explicit condition, since whoever gives him money for charity is relying on his judgment and decision of where to use the money. (8b - 9a)

## INSIGHTS TO THE DAF

### *Tax Exemptions for Torah Scholars*

**By: Reb Yechezkel Khayyat**

The *Gemora* presents the tax exemptions accorded to Torah scholars. The Rishonim discuss the parameters of these tax exemptions.

#### *Who is Exempt?*

The Rosh says that only one who for whom *toraso umnaso* – *his Torah learning is his profession*, is exempt. The Rosh explains that even if one learns much Torah and is proficient in Torah, if he spends most of his time working, and less of his time learning, he is not exempt. However, even if one works, if he works only as much as is necessary to support himself and his family, and constantly returns to his Torah study when he is not working, he is exempt.

The Rosh further clarifies (Responsa 15:8) that this exemption applies equally to a Torah scholar who is wealthy, since the exemption is a function of the Torah study, not poverty.

Finally, the Rosh states that if one who studies Torah is not diligent in his performance of *mitzvos*, he is not considered a Torah scholar who is exempt from tax.

The Rama (YD 243:2) quotes the Terumas Hadeshen (342), who further requires that the Torah scholar be well versed in all the standard Torah sources.

The Shach (HM 163:14) quotes Sefer Chasidim that limits the exemption to one who studies at all times, to

the exclusion of any work, but says we do not rule like this.

### ***From what are they Exempt?***

The Ramban and Ran state that Torah scholars are only exempt from communal taxes, since they can claim that only the other members of the community are responsible for the existence of these taxes and their payment (*as Rebbe stated regarding the tax levied on Teveria*). However, if the tax is imposed on each person individually, even Torah scholars must pay.

The Rosh and Rambam (Talmud Torah 6:10), however, disputes this position, and state that Torah scholars are exempt from all types of tax, whether imposed communally or individually. The Rosh points out that Rav Nachman makes a categorical statement that obligating a Torah scholar in a tax is a violation of all sections of Torah, and the *Gemora* applies this to *karga*, which was a poll tax assessed on each individual. These indicate that even individual taxes levied on Torah scholars are the responsibility of the community, and not the Torah scholars.

The Shulchan Aruch (YD 243:2) rules like the Rosh and Rambam. See Tzitz Eliezer 2:25 and Yabia Omer HM 7:10 for a detailed discussion of these parameters, and their applicability in contemporary society.

### ***A Raven and Dog***

When Rabbi Yonasan, Rebbe's student, asked for food from Rebbe, he told him that he should feed him, just as Hashem feeds the raven and the dog. Rashi explains that Hashem specifically tailored the physiology of these animals to account for their lack of food. A dog typically does not have much food, so Hashem ensured that it spends three days digesting its food (Shabbos 155b), while a raven does not have feed its children, so Hashem provides them with insects in their waste, which they can eat to be nourished. Tosfos (8a kekelev) explains that the verse in Tehilim refers to both these animals. The verse says that Hashem is *nosain liv'haima lachma* (*gives to an animal its food*), *livnai oraiv asher yikra'u* (*to the children of the raven that call out*). The Gematria of *behaima* (*animal*) is 52, the same as *kelev* (*dog*).

### ***Like the Stars***

The *Gemora* explained that the verse that states that *matzdikei harabim* – *those that bring merit to the*

*community* are like the stars, is referring to those who educate children in Torah.

The Ben Yehoyada points out that the appropriateness of the metaphor. Although stars appear to us much smaller than the sun, they are actually much larger and more powerful. Similarly, although those who teach seemingly trivial subjects, such as the basics of reading and writing, appear to not be as lofty as those who study and teach Torah at a much more advanced level, they are actually more exalted than others, since they teach Torah to children who are pure and untainted by sin.