

26.1.5

6b (מהשאלין ולשאל מהן) → 8a (אמילו כסדר יוה"כ אומר) → 8a

<p>1. שובו בנים שובבים ארפה משובתיכם הנו אנתו לך כי אתה ה' אלהינו: ידמיון ג:כב</p> <p>2. תפלה לעני כי יעטף ולפני ה' ישפך שיחו: תהלים קב:א</p> <p>3. ויצא יצחק לשוח בשדה לערב וישא עיניו וירא והנה גמלים באים: בראשית כד:טז</p> <p>4. אשפה לפניו שיחי צרתי לפניו אגיד: תהלים קמב:ג</p> <p>5. אדני ה' אתה החלות להראות את עבדך את נדלך ואת ידך החזקה אשר מי אל בשמים ובארץ אשר יעשה כמעשיך וכגבורתך: דברים ג:כד</p>

- I Continued analysis of 'א משנה:
- a Explanation for ban – and justification for mention – of 4 categories (commerce, lending, borrowing, collecting)
 - i Ban on borrowing goods, borrowing money or collecting from them
 - 1 (understood – lending and paying back – they gain goods)
 - 2 אבי: each is a protection against its inverse (lending, paying back)
 - 3 רבא: all of them are the same reason – perhaps he'll go (to the temple) and give thanks (for the transaction)
 - ii Justification:
 - 1 If: we only learned about commerce, א"ס that's because he gains, but lending is just a pain for him
 - 2 And if: we only had "שאלה", א"ס he will easily get it back; but הלוואה, he may be anxious about collection
 - 3 And if: we only had "הלוואה", א"ס he can at least forcibly collect, but collection is just a loss – קמ"ל
 - b Analysis of dispute at end of משנה – יהודה/חכמים re: "delayed rejoicing"
 - i Challenge: ר"י accepts principle that "שמחה" is considered שמחה
 - 1 Proof: ר"י allows for use of depilatory cream on חוה"מ, as long as it can be removed during גל
 - (a) Answer (רנ"י): all of הלכות מועד are based on "delayed pleasure" – work then enjoyment
 - c Observations about authorship of משנה
 - i Note: משנה does not conform with opinion of ריב"ק, who permits collection of an oral debt during אידיהן
 - 1 Reasoning: "מציל מידם" – it may not be collectible and if he can get it now, should take advantage
 - 2 Story: ר' הונא ruled like ריב"ק (in spite of יחיד against רבים) – and like ר' יהודה in re: שבח vs. הוצאה for אומן
 - (a) Note: רב יוסף asked about need for 2nd פסק; since it's סתם (ב"מ ו:ב) following dispute (ב"ק ט:ד) – הלכה כסתם
 - (b) Answer: ר"ה only holds that the order is significant within one מסכת
 - (i) מסכת ד' יוסף: all of נזיקין is one מסכת
 - (ii) also: since ב"מ ו:ב is listed as הילכתא פסיקתא, even without rule of סתם וא"כ סתם, מחלוקת וא"כ סתם, הלכה follows it
 - d tangent: three other disputes ריב"ק/חכמים where we rule like ריב"ק
 - i הלכה כריב"ק – ר' יוחנן) ריב"ק permits (for work); שבת (for work) – חכמים: הלכה
 - ii מחמיר ריב"ק: may not ask for a "2nd opinion"; if two חכמים dispute, follow greater one; if equal, follow מחמיר
 - 1 הלכה כריב"ק – רב יוסף) דרבנן, follow lenient opinion; if דאורייתא – follow stringent opinion; דיב"ק
 - iii Status of repentant thieves re לעדות
 - 1 ד"מ: never accept them
 - 2 ד"ה יהודה: if they repented discreetly – don't accept them; if publicly – accept them
 - (a) Alternate version: if they acted discreetly – accept them; if publicly, don't accept them
 - 3 הלכה כר"ש וריב"ק – ר' יצחק איש כפר עכו בשם ר' יוחנן) 1. in any case accept them, as per v.
- II משנה ב' dispute: חכמים/שמעאל re: שמעאל
- a ר' שמעאל – prohibition extends to 3 days after festival
 - i ר"י: according to ר"י, it is always prohibited to do business with Christians
 - b חכמים – only before
 - i Challenge: חכמים seem to represent same position as ת"ק (in משנה א')
 - 1 Possible distinctions: whether festival is included in 3 days; whether proceeds are prohibited, whether they accept שמעאל's ruling that in ח"ל, only festival day itself is אסור or whether to accept נחום המדי – only 1 day before
 - (a) Tangent: נחום המדי's opinion – only 1 day before prohibited; response – נשתק הדבר (that approach is "gone")
 - (i) Challenge: we have our משנה
 - (ii) Answer: our משנה is authored by the self-same נחום המדי
 - c Tangents: 2 other instances of נחום המדי's approaches which were rejected as 'forgotten' approaches (נשתק הדבר)
 - i Cases: selling animals to עכ"ם; which part of שבת (a redolent herb) are liable for מעשר
 - ii But: one case where we accept his ruling: making requests in ש"ת (per חכמים; contra ר"א ור"י; vv. 2-5)
 - iii 2 addenda from בי רב: he may add to end of each ברכה; specifically ברכת רפואה and ברכת השנים
 - iv כסדר יוה"כ: all of these addenda are brief; but he may add as much as he wants at the end of תפילה, even יוה"כ