

OVERVIEW of the Daf

1) Clarifying the Mishnah

Two Baraisas are cited as proof to the Mishnah's ruling that the Kohen Gadol's korban precedes the tzibur's korban.

The reason the communal error bull is offered before the communal idolatry bull is explained.

Two reasons are given to explain why the idolatry bull is offered before the idolatry he-goat.

Additional rulings of the Baraisa regarding precedence are explained.

2) MISHNAH: The Mishnah teaches when men have precedence over women and when women have precedence over men.

3) Priority guidelines

A Baraisa is cited that presents priority guidelines.

A term in the Baraisa is defined.

The Gemara inquires who should bury a meis mitzvah, the Assistant Kohen Gadol or the Kohen Anointed for Battle.

A Baraisa is cited that proves that the burial should be performed by the Kohen Anointed for Battle.

This conclusion is unsuccessfully challenged.

4) MISHNAH: The Mishnah continues to present priority guidelines.

5) Clarifying the Mishnah

The sources for the Mishnah's rulings are cited.

The source that a Torah scholar who is a mamzer takes priority over a Kohen Gadol who is an am ha'aretz is presented.

Another Baraisa elaborates on part of the Mishnah.

Three discussions between R' Elazar the son of R' Tzadok and his students are presented.

6) Forgetfulness

A Baraisa enumerates things which cause forgetfulness and other things that restore a person's learning.

The Gemara elaborates on some of the things mentioned in the Baraisa.

Ten things that make learning difficult are enumerated.

7) Honor

A Baraisa discusses the proper way to honor the Nasi.

One of the rulings of the Baraisa is explained but the Gemara then mentions that it is no longer practiced.

The last ruling of the Baraisa is explained.

R' Yochanan retells the history of this Baraisa which includes a detailed account of an incident involving R' Shimon ben Gamliel and R' Meir. ■

Distinctive INSIGHT

Eating foods which cause a person to forget Torah learning

והרגיל בביתים

The Baraisa teaches that there are five things that cause a person to forget what he learns. One of these things is if a person is accustomed (רגיל) to eat olives.

In his Sefer Siach HaSadeh, R' Chaim Kanievsky cites Sefer Zikaron where it says that in the Gemara in Berachos (40a) the term "רגיל" refers to actions which occur regularly within a thirty-day interval. Therefore, if someone eats olives but there is an interval of thirty days or more until he eats more of them, this warning would not apply to him.

Yaavetz explains that the Gemara here refers to a person who eats raw olives. However, the danger of forgetting one's learning does not apply to someone who eats olives which are pickled. The reason he gives is that the Gemara is only concerned about a person who arranges a meal of these items, and people sometimes eat fresh olives in large amounts. Pickled olives, however, are only eaten in smaller amounts as a snack.

R' Chaim Kanievsky notes, however, that Meiri writes that one who eats "salted olives" will forget his learning. Furthermore, he points out that it is a mistake to say that this rule does not apply once olive oil is added to the olives. Olives retain their danger to one's memory, although the olive oil contributes its benefit to strengthen one's memory, as the Gemara mentions in its next statement. The outcome of eating olives with olive oil will therefore affect each person according to his nature. If a person has a strong memory, the olives themselves will have a minimal effect to do damage to his keen memory, and the olive oil will enhance his memory and reinforce it significantly. If a person has a weak memory, the olives will cause more significant damage to his already compromised abilities, more than the olive oil will do to help to improve the weak memory he possesses.

Magen Avraham (O.C. 170:#19) writes that the Gemara's list of olives and other foods which affect a person's memory applies only to a person who is ignorant of Torah (עם הארץ). However, if a person eats olives "with the proper intentions," these items will help him and his ability to learn and remember. The commentators explain that "the proper intentions" means that a person should think that the olives not harm his memory. Nevertheless, because the Gemara clearly warns that these items cause damage, a person should still not eat them regularly.

A person should always exercise precaution to maintain his ability to learn and remember, as the Torah clearly warns (Devarim 4:9) that we be exceedingly vigilant not to forget Torah. The Mishnah in Avos (3:9) explains that a person is only in violation of this prohibition when he actively removes Torah from his heart, and one who wantonly acts in a manner which the Gemara says causes loss of memory is taking this risk. ■

HALACHAH Highlight

Prioritizing the yahrtzeit of a man ahead of the yahrtzeit of a woman

האיש קודם לאשה וכו'

A man takes precedence over a woman ...

The Mishnah teaches that for a number of things men take precedence over women. The reason for this, Rambam¹ explains, is that men are obligated to perform more mitzvos than women, therefore they are considered more sanctified and thus they take precedence. Birkei Yosef² reports that he was asked to justify a custom that was found in a particular community. In that community when two people have a yahrtzeit in the coming week, one for a father and the other for his mother, the maftir was given to the one who has yahrtzeit for his father. The one posing the question claimed that Shulchan Aruch indicates that they are equal. Shulchan Aruch³ writes that if one's parents are divorced the obligation to honor each one of them is equal. This tells us that men and women are equal and as such there is no reason to give preference to the one with yahrtzeit for his father above the one who has yahrtzeit for his mother.

Birkei Yosef responded that there are, in fact, sources that justify this custom. One rationale is that men have an obligation to study Torah and consequently they are accountable for the severe transgression of wasting time that could have been used for Torah study (ביטול תורה). Women do not have the obligation to study Torah and thus cannot transgress the prohibition against wasting time that could have been used for

REVIEW and Remember

1. Regarding what matters do women take precedence over men?

2. What is the source that a mamzer who is a Torah scholar takes precedence over a Kohen Gadol who is an am ha'aretz?

3. What five things restore a person's learning?

4. Who is "אחרים" and who is "יש אומרים"?

Torah study. Consequently, the punishment that men will endure will be more severe than the punishment that women will endure and to provide the greater assistance needed for the men, we give precedence to someone who has yahrtzeit for a father ahead of someone who has yahrtzeit for a mother. Another reason to give precedence to the one with yahrtzeit for a father is based on our Mishnah. The Mishnah together with Rambam's commentary teaches that generally men take precedence over women unless there is an element of disgrace. Reading the maftir is not something that involves disgrace and as such it should follow the general principle that men take precedence over women. ■

1. רמב"ם בפירוש למשניות פ"ג מ"ז.
2. ברכי יוסף או"ח סי' רפ"ד סק"א.
3. שו"ע יו"ד סי' ר"מ סעי' י"ד. ■

STORIES Off the Daf

Man's Best Friend

"מפני מה הכלב מכיר את קונו..."

The Ben Ish Chai, zt"l, illustrates a statement on today's daf with a story. "On Horayos 13 our sages teach that a dog knows קונו. Although this word usually refers to Hashem, this seems strange since how can a dog know the divine? The Be'er Sheva, zt"l, brings from the Ramah, zt"l, that this statement means that a dog recognizes his owner, enjoys and loves him and will go out of his way to protect him from harm. We find such a definition of קונו, in the

verse, 'ידע שור קונו'.

"There are several very intriguing stories regarding the faithfulness of dogs to their owners. For example, Heinrich king of France loved his dogs very much. He was so enamored with their intelligence and cunning that he trained three puppies to be his personal guards.

"Even at night his only guards were these three dogs. They spent the night in his room, where he had a special clock which would ring every hour on the hour. At each chime a different dog would get up to guard for the next hour, while the dog who finished his shift would grab a couple of hours sleep.

"Once a certain high ranking priest made an appointment to see the king

about a certain sensitive letter he had received.

"When the priest came for his appointment, the dogs began barking violently and tried to attack the priest. This was the first time they had treated anyone with an audience as an enemy. The king refused to consider that the priest was planning to take his life at the first opportunity. Instead of protecting himself from attack the king called a servant and had them taken out and muzzled for their strange behavior.

"The moment the priest was alone with the king, he stabbed him to death and narrowly escaped."¹ ■

1. בן יהודע, ח"ג, דף ע"ט. ■