

OVERVIEW of the Daf

1) The rules of summoning someone into Beis Din

Rava derives from pesukim a number of rules for summoning someone into Beis Din and the guidelines for banishment.

The sources for other punitive powers of Beis Din are identified.

An incident is recorded that demonstrates that difference between a regular **חרם** and one for treating a Torah Scholar disrespectfully.

2) Do we require that the judges who pronounced the ban are the ones to release it?

It seems from the previous incident that the judges who pronounce the ban are the ones to release it. This is an inquiry presented in the Gemara.

A Baraisa is cited that, amongst other lessons, teaches that the judges who pronounce the ban are the ones to release it.

Ameimar, however, maintains that it is not necessary for the judges who pronounced the ban to be the ones to release it.

This position is unsuccessfully challenged.

3) The duration of a נידוי

A Baraisa rules that a נידוי is for thirty days and נזיפה is for seven days.

R' Chisda rules that in Bavel even a נידוי is for only seven days.

Two incidents are cited that refute R' Chisda's assertion.

4) The duration of a נזיפה

The Gemara inquires about the duration of נזיפה in Bavel.

Three incidents are cited that indicate that נזיפה lasts for only one day.

The Gemara digresses to discuss a verse cited in the third incident.

Four examples of the word כוש being used to describe something unusual about a person are presented.

The Gemara proceeds to expound on some of the verses in Shmuel 2, Chapter 23. ■

Distinctive INSIGHT

A case where speaking lashon hara is allowed

ואתי ואמר לא מיתחזי כלישנא בישא וכר'

Rava teaches a series of laws that apply to Beis Din and how they summon a person to court. Among the procedures is that the court-appointed emissary goes to deliver the summons. If the defendant acts scornfully towards him, the court messenger may come back to the court and report that the defendant resisted and that he was insulting. The novelty of the comment of Rava is that in conveying this information, the words of the messenger seem to be quite maligning of the defendant. Nevertheless, this is not considered lashon hara. The source for this halacha is in the Torah where we find that messenger who Moshe sent to summon Dasan and Aviram came back and not only told Moshe that they refused to obey his request that they come, but he also repeated the malicious comments which Dasan and Aviram had said about Moshe.

The Acharonim note that the Yerushalmi (Pe'ah 1:1) teaches that is permitted for anyone to speak lashon hara about a בעל מחלוקת — one who is a quarrel monger. This is learned from the advice of Nosson Hanavi to Bas-Sheva to tell Dovid Hamelech about the rebellious behavior of Adoniyahu. This halacha is recorded by Magen Avraham (O.C. 156, #2). What, then, they ask, is the proof that a court messenger may deliver a disparaging message back to the judges? Perhaps the response of Dasan and Aviram was simply permitted to be reiterated because they were strident and argumentative people, about whom anyone could have spoken?

Rabbi Akiva Eiger (Gilyon Hashas, ibid.) explains that

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REVIEW and Remember

1. What happens to a defendant who ignores a summons?

2. What is the source that נזיפה lasts for seven days?

3. What was the dispute between Rabbi and R' Chiya that led to R' Chiya's נזיפה?

4. Why was Tziporah called a כושית?

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HALACHAH Highlight

Disagreeing with one's Rebbi

גזר רבי שלא ישנו לתלמידים בשוק וכו' יצא ר' חייא ושנה לשני בני אחיו בשוק וכו' שמע רבי איקפיד

Rebbi decreed that one should not teach his students in the market etc. R' Chiya went and taught his nephews in the market. Rebbi heard and became angry.

The Maharik¹ wrote against a group of Rabbis who imposed their authority on their students and claimed that once someone studied under the authority of a rebbi he must behave submissively to that rebbi forever and may not disagree with his ruling. Maharik responded that even if one wants to claim that the former student remains submissive to his rebbi forever, that would only apply to halachos related to honoring a rebbi, e.g., to stand when the rebbi enters the room or to tear kria if the rebbi passed away. If, however, the former rebbi is making a mistake in halacha the former students must raise the issue rather than silently accept the rebbi's position.

Maharik cites our Gemara as proof to his position on this matter. Rebbi, based on his exposition of the relevant verses, issued a decree and R' Chiya, who expounded those verses differently, did not follow the decree. We know from other sources² that R' Chiya was a student of Rebbi and nevertheless, since he thought that Rebbi was making an error, he ruled differently without deference to Rebbi.

The Radvaz³ writes that although one is permitted to disagree with a rebbi, one should not do so in the same fashion that one disagrees with others. Therefore, one should not contrast his rebbi's position with his own, e.g. "My rebbi permits this but I prohibit it," etc. Similarly, disagreeing either in writing or in ruling while one's rebbi is alive is prohibited, but after his death it is permitted. The Rema⁴ also rules that it is permitted for a student to disagree with his rebbi, and according to Rav Yaakov Emden⁵ it is not even necessary for the student to rise to a comparable level of scholarship as his rebbi in order to disagree. ■

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the Yerushalmi permits lashon hara to be spoken about argumentative people only when such reports will serve to help settle the quarrel or feud which is in progress. However, without this benefit, it would certainly be prohibited to speak lashon hara even about a בעל מחלוקת. Here, where we find that the court messenger repeated the conduct of Dasan and Aviram to Moshe must be due to a special dispensation granted to a שליח בית דין.

Ritva explains that the reason lashon hara may be spoken in this situation is that by telling the court and everyone around about the impudence of the ones who refuse to come and contend in front of Beis Din, people will learn how intolerable and unacceptable it is to refuse the invitation to appear before Beis Din. ■

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1. שו"ת מהר"יק החדשים סי' י"ב ושו"ת מהר"יק שורש קס"ט.
2. ע' גמ' יבמות מב: ופרש"י שם.
3. שו"ת הרדב"ז ח"א סי' תצ"ה.
4. רמ"א יו"ד סי' רמ"ב סעי' ג'.
5. שו"ת שאילת יעב"ץ סי' ה' ודלא כהש"ך יו"ד סי' רמ"ב סק"ג. ■

STORIES Off the Daf

The Words of a Tzaddik

"צדיק גוזר והקב"ה מקיים..."

We find in our Gemara that a righteous person makes a decree and Hashem fulfills it.

Once, a very simple Jew who lived in Bnei Brak had a serious problem. A short time before Shabbos, his water pipe burst and the only way to shut down the water in his own apartment was through closing the main, which would deprive many other families of water. It seemed that the only thing he could do would be to leave the water on throughout Shabbos, with all of the attendant loss of water, money, and the damage that it might entail. Since it was much too late to call a plumber before Shabbos, the man felt that he had no other choice but to leave the water running. Just before Shabbos, he was struck with another idea.

The man ran to the Chazon Ish, zt"l, and told him his trouble.

"But how can I help you?" asked the Gadol. "I'm not a plumber!"

"Please just say that the water will stop flowing in my house."

Bemused, the Chazon Ish repeated this phrase and wished the man a good Shabbos.

Amazingly, the water remained off only in this man's house throughout the entire Shabbos.

After Shabbos, this man went back to the Chazon Ish with a different problem.

He implored, "Rebbi, I need my water back on now that it is Motzei Shabbos and I have easily found a plumber to fix the trouble. Please turn it back on—I have no water in my house!"

Surprised, the Chazon Ish asked, "But how do you expect me to help you now?"

The man responded, "I would like you to say that my water should start to flow again!"

No less bemused than before, the Gadol did so and then wished the man Gut voch.

And the water started to run again through the repaired pipes! ■