

OVERVIEW of the Daf

1) Compromise (cont.)

According to our present understanding of R' Yehoshua ben Korcha there does not seem to be a difference between his position and Tanna Kamma.

The difference between their positions is explained.

The difference between the position of Tanna Kamma and R' Shimon ben Menasya is also explained.

Tangentially, it is noted that R' Tanchum bar Chamilai expounds an earlier-cited verse differently.

The Gemara explains how the opinions that differ with R' Shimon ben Menasya interpret the verse he cited.

R' Huna offers another explanation for the verse cited by R' Shimon ben Menasya.

Abaye gives a metaphor for the development of a dispute.

The Gemara presents a number of incidents in which someone made a statement which was explained in light of a verse.

Three verses are cited that support the Gemara's earlier contention that the word תגורר means to withhold.

2) Judges

Three teachings from R' Shmuel bar Nachmani in the name of R' Yonason regarding judges are recorded.

Two teachings related to being certain about a verdict before issuing it to the litigants are presented.

R' Yehoshua ben Levi teaches that all the judges share collective responsibility for their judgment.

The shared practice of R' Huna and R' Ashi that resulted from this teaching is retold.

3) Unqualified judges

(Continued on page 2)

REVIEW and Remember

1. Why did Aharon HaKohen agree to build the golden calf?

2. What is the consequence of rendering a judgement that is not true?

3. Why did R' Huna gather numerous scholars to sit in judgement?

4. What are a judge's "tools of the trade"?

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 By the Mauer Family
 לע"נ ר' חיים בן ר' מרדכי לייב

Distinctive INSIGHT

The questions asked during one's final judgment

אין תחילת דינו של אדם אלא על דברי תורה

Rashi explains that at the time of one's final judgment the first question asked is whether one's involvement in Torah was adequate. Tosafos notes that this is inconsistent with the Gemara in Shabbos (31a) which says that the first question one is asked in whether he was honest in business. Only then is the question posed regarding one's establishing regular times for Torah study.

Tosafos offers several answers to this question. His first answer is that not everyone is asked these critical questions in the same order. The Gemara in Shabbos is dealing with a person who learned Torah during his life, but not in a routine manner. This person is first asked about the honesty of his business dealings, and he is then asked about his schedule for Torah learning. Our Gemara is dealing with a person who did not learn at all during his life. This type of person is first confronted with being accountable for this serious deficiency before anything else.

The second answer of Tosafos is that, in fact, everyone is asked the questions in the same order, and that is what we find in the Gemara in Shabbos. The first question is always about business practices. Our Gemara lists the response to the judgment process. If the answers given to these questions indicate a need for retribution, the first issue to be dealt with is one's deficiency in Torah study, and only then is reprimand meted out for one's misdeeds in business.

עין אליהו explains that Rashi was bothered by the question which Tosafos notes from the Gemara in Shabbos which says that the first question on the Day of Judgment is regarding business ethics. Rashi was therefore careful to say although the Gemara in Shabbos is referring to the judgment one faces after one's death, our Gemara is referring to לעתיד לבא, in the end of days. The Gemara in Avoda Zara (2b) speaks about a time at the end of days when Hashem will hold a Sefer Torah and declare that all who toiled in Torah should come and receive their reward. This is not the same process which one faces after one's death.

Maharsha explains that our Gemara is speaking about a person whose Torah study was successful and productive. This person is asked whether he used his time and abilities properly. The Gemara in Shabbos is dealing with a person whose Torah study was not productive, and whose primary pursuit was therefore his business and livelihood. The question for this person is focused upon his principal vocation, which was his livelihood. He is then asked about his Torah study, which he was obligated to pursue at least for a few scheduled minutes each day. ■

HALACHAH Highlight

Rendering decisions that are absolutely true

אמר ר' יונתן כל דין שדן דין אמת לאמתו וכו'

R' Yonason taught: Any judge who adjudicates a decision that is true according to its truth etc.

Shulchan Aruch¹ elaborates on the necessity for judges to be serious in the course of the proceedings. Since the risk of issuing a corrupt decision is so severe Shulchan Aruch advises that a judge should imagine that there is a sword hanging over his neck and Gehinom is open beneath him. He then goes on to discuss the consequence for a judge who does not adjudicate truthfully and the benefit for adjudicating **דין אמת לאמתו** – a judgment that is true according to truth. Many commentators endeavor to explain the meaning of the phrase **דין אמת לאמתו**.

Beis Yosef² cites Tosafos in Shabbos (10a) who explains that it refers to a judge who renders a decision that is truthful. Beis Yosef finds this explanation incomplete since it does not account for the word **לאמתו**. He explains that if a judge renders the correct decision but included as part of his thinking process how much he likes the litigant who was found innocent or how much he despises the litigant who was found guilty, the judgment is truthful – **אמת**, but it is not **לאמתו** – according to truth, since it was tainted by the bias of the judge.

Bach³ suggests that the term **אמת** relates to the judge's obligation to assure that his judgment was not in any way corrupt. These steps, however, do not assure that the judgment will be correct since there are times that it was necessary for the judge to spend more time cross examining the witnesses to ar-

(Overview...continued from page 1)

R' Dimi presented an exposition related to an unqualified judge.

A related incident is presented.

Additional teachings regarding unqualified judges are recorded.

4) Judges

The Gemara records Rav's prayer that he would not err in judgment.

An example of Rav's and Mar Zutra the pious's humility is presented.

Bar Kappara begins a series of expositions related to judges and judgment.

Numerous expositions from the verses in Devarim (1:16-18) are presented. ■

rive at the truth to filter through his statements to extract a true account of the event in question. This additional effort is what is emphasized with the term **לאמתו**. Derisha⁴ maintains that the phrase **אמת לאמתו** emphasizes the need for the judge to use his discretion to make sure that his judgment is correct given the time and place of his decision. If one's decisions are rooted solely in law without any flexibility given to go beyond the letter of the law (**לפנים משורת הדין**) the judgment may be true but it is not **לאמתו**. A ruling that does not take the particular circumstances of the case into account was the cause of the destruction of the Beis HaMikdash (Bava Metzia 30b). ■

1. שלחן ערוך חו"מ סי' ח' סעי' ב'.
2. בית יוסף חו"מ סי' א' סעי' ב'.
3. בי"ח שם.
4. דרישה שם. ■

STORIES Off the Daf

A temporary remedy

"על דברי תורה..."

On today's daf we find that the first failing for which a person is judged in the ultimate future is having wasted time that could have been spent learning Torah. The Chofetz Chaim, zt"l, recounted that once a certain gadol hador encountered a student who had been very diligent in the past but had fallen from his former good habits. The gadol rebuked him gently, "My esteemed pupil, it is true that you now have many children and can no longer learn like you once did. But why not at least learn one daf a day or a chapter of mishnayos like the rest of the ba'al haba-

tim in your community?"

"I am used to learning ten daf a day in ten hours," the former masmid explained. "When I am able to make the time I will go back to this. But what is one daf or a chapter of mishnayos for someone like me?"

The gadol tried to dispel his former student's error with a parable. "Once, a certain person was very ill and after extensive treatment the doctor warned him that he must not go to the bathhouse for a full year since the heat and humidity could kill him. After a few months the sick man's desire to go to the bathhouse overcame his natural caution and he went despite the doctor's orders. While he was there he started to fall ill from overheating just like the doctor had warned and he realized that he must cool himself off immediately.

He recalled that there was a cooler mikveh in one part of the bathhouse and he rushed to it, only to find the gate locked. But when someone noticed he was not well he immediately rushed outside and brought back a bucket of water from outside, with which he sprinkled this man's heart and head to somewhat revive him. This sick man would surely never think to refuse this little bit of water because he really needs to immerse in the pool of cooler water. He needs whatever he can get and hopes it will be enough to revive him. The same is true with you. If you can't learn with diligence, at the very least you should learn a daf a day since this will give you some relief in the next world. Every daf Gemara or Mishnah will be a great source of joy in the ultimate future!"¹ ■

1. שם עולם, ח"א, פי"ג ■