

OVERVIEW of the Daf

1) The lesser Sanhedrin (cont.)

A Baraisa explains R' Nechemya's rationale that a city must have one hundred and thirty residents to be fit for a Sanhedrin.

A contradiction between two statements of Rebbi is noted and resolved.

A Baraisa discusses the number of judges that were with the Jewish People during the time in the wilderness.

הדרן עלך דיני ממונות

2) **MISHNAH:** The Mishnah begins with a discussion of the unique halachos that apply to a kohen gadol concerning judicial matters, chalitzah, yibbum and mourning. The Mishnah then discusses the same issues as they affect the king.

3) A kohen gadol judging

The reason the Mishnah discusses a kohen gadol judging and being judged is to contrast him with the king who is neither judged nor sits in judgment.

An alternative explanation for the Mishnah's ruling that a kohen gadol may be judged is explained in light of a Baraisa.

A number of points in the Baraisa are explained.

After explaining the Baraisa the Gemara explains how the teaching of the Baraisa explains the novelty of Mishnah's ruling that a kohen gadol may be judged.

4) A kohen gadol testifying

The Mishnah's ruling that a kohen gadol testifies is challenged from a Baraisa.

R' Yosef suggests one resolution to the contradiction.

This answer is rejected and R' Zeira suggests an alternative explanation.

This explanation is unsuccessfully challenged.

5) A king on the Sanhedrin

The reason a king may not sit on the Sanhedrin is explained.

The reason a king and a kohen gadol may not be part of the Beis Din the makes a leap year is explained.

R' Pappa deduces from this how a leap year will affect the weather of the months in the year to come.

This deduction is unsuccessfully challenged.

6) A kohen gadol performing yibbum

It is noted that the Mishnah implies that a kohen gadol never does yibbum.

The Gemara begins to question why a kohen gadol does not do yibbum if the yevama was only betrothed. ■

Distinctive INSIGHT

The kohen gadol should not leave the city

ויוצא עמהן עד פתח שער העיר

The Mishnah at the beginning of the second perek describes the procedure the Kohen Gadol follows when participating in the funeral of a family relative. The Kohen Gadol is not to follow directly behind the casket, but as the procession advances from one yard to the next, he may only appear in a street as the casket is led away from that passageway. When the procession moves out of a street, the Kohen Gadol can then enter into it. Rashi explains that the reason for this is that the Kohen Gadol must exercise extra caution so that he not inadvertently touch the casket and thus become defiled. He may follow behind the funeral procession, but he must remain one street behind, until the entourage approaches the entrance to the gate of the city. At that point, the kohen gadol must remain in the city, and the funeral continues to the cemetery without him.

Many Rishonim explain that the reason the kohen gadol does not continue beyond the entrance to the city is that beyond that point there are no more alleys or streets to separate between the kohen gadol and the funeral procession. He would then be basically part of the main group escorting his deceased relative, and there would be nothing to stop him from approaching the casket and possibly touching it. חשק שלמה wonders why we do not allow the kohen gadol to accompany the funeral, but straggling behind the procession at a safe distance where he can not see the casket. Why is the only solution for him to stay in the city? He answers that it seems that once the casket is taken through the fields surrounding the city, the area is generally open, and it is not feasible for the kohen to stay at a distance beyond visible range of the group.

גליוני הש"ס answers that although the kohen gadol could follow along beyond the city at a safe distance behind the funeral, nevertheless, we are still concerned that he might later come to the edge of the cemetery and perhaps enter it. This is why we do not allow him to leave the city in the first place.

גליוני הש"ס also explains that according to Rambam (Commentary to Mishnah, Rosh HaShana 4:1), the kohen gadol is not allowed to exit the city of Yerushalayim, all of which is characterized as the place of the "מקדש". The verse (Vayikra 21:12) warns "ומן המקדש לא יצא" - that the kohen gadol not leave the place that is "holy," which allows him to go only up to the edge of the city of Yerushalayim. This approach understands that the restriction for the kohen gadol not to leave the city of Yerushalayim is not due to any specific concern regarding his becoming defiled, but simply a rule regarding general movements of the kohen gadol. ■

HALACHAH Highlight

Ruling for one's self

לא מלך ... בעיבור שנה ... משום אספניא

A king does not participate in ... making a leap year ... because of wages

Poskim discuss the question of whether a posek who has a question that is relevant to himself may rule on that matter. Are we concerned that he is biased towards his own self-interest and will not be able to approach the question impartially or perhaps we allow the posek who feels comfortable to rule for himself? Teshuvos Maharach Or Zarua¹ writes that a scholar is allowed to rule on matters that effect him without concern that he will sway the ruling for his benefit. He mentions that Rash of Sanz² maintains that a person may only issue a lenient ruling for those matters that have not yet been established as prohibited (לא הוחזק לאיסור) but may not permit matters that have already been established as prohibited. Rabbeinu Meir disagrees and writes that common custom allows scholars to permit foods that could possibly be Biblically prohibited since we do not suspect that they would allow themselves to eat food that is prohibited.

Later authorities debate whether scholars may rule on matters that have been established as prohibited. Taz³ rules that a scholar may only rule on matters that have not yet been established as prohibited. In other words, when something was assumed to be permitted and a question arose that perhaps that item became prohibited, a scholar may issue a ruling even though the ruling relates to his own interests. A scholar may not rule on something that has been prohibited

STORIES Off the Daf

Guarding one's health

"כהן גדול לא יעבר השנה משום צינה..."

One time when the illustrious Tchebiner Rav, zt"l, took ill, the Rav of Yerushalayim, Rav Tzvi Pesach Frank, zt"l, came for a visit. Rav Frank was shocked to see how weakened the Tchebiner Rav was and begged him not to overexert himself. After all, one cannot serve Hashem without good health, as the Rambam warns.

In addition, Rav Frank asked the

Tchebiner Rav to refrain from immersing in the mikveh since this could be adverse to his health. The Tchebiner Rav was not willing to accept his advice, however. "We have a tradition from the Baal Shem Tov that immersion has no negative effect. Although this seems counter-intuitive, its validity is clear from Tosafos in Sanhedrin 18. There we find that the kohen gadol may not be on a court arraigned to decide whether there should be a leap year 'on account of the cold.' Rashi explains that he is biased since he must immerse five times in a cold mikveh on Yom Kippur. He therefore prefers there be no leap years to ensure that

the weather will be warmer on Yom Kippur. Tosafos argues, since they would heat up the kohen gadol's mikveh on Yom Kippur. Tosafos learns that the kohen gadol is biased because he is required to do the avodah barefoot and therefore prefers warmer weather."

He concluded, "Now it seems a bit difficult to understand Tosafos' objection to Rashi, since at the first of the kohen gadol's five immersions, the mikveh is not heated. This teaches us that, apparently, one immersion does not damage!"¹ ■

1. שר התורה, ע' 234 ■

REVIEW and Remember

1. What was the total number of judges the Jews had in the wilderness?

2. What do the people say to the Kohen gadol to comfort him when he is in mourning?

3. What is the reason the Kohen gadol does not testify in court?

4. What is the reason a Kohen gadol does not do the mitzvah of yibbum?

and the question is whether its status changed and it is now permitted. Therefore, if someone slaughtered an animal, which heretofore was prohibited as a living creature and a question arises whether the slaughter was performed correctly or not, a scholar may not rule on that slaughter if the ruling is relevant for himself. Proof that a scholar may not rule on something that affects his interests is found in our Gemara's ruling that a king may not sit on the Beis Din that will decide to make a leap year. The reason given is that a leap year serves the interest of the king. The king would pay the army an annual salary and the king benefits if the year is extended an additional month. This demonstrates that when there is a potential conflict of interest a person may not issue a ruling for that matter. ■

1. שו"ת מהר"ח אור זרוע סי' צ"ג.
2. רש משאנ"ץ נגעים פ"ב מ"ה ד"ה שבינה.
3. ט"ז יו"ד סי' י"ח ס"ק ט"ז. ■