

OVERVIEW of the Daf

1) Making a new year because autumn will fall too early (cont.)

The Gemara teaches that R' Yehudah and R' Yosi who disagree about how many days of Tishrei must fall in the summer to warrant a leap year derive their respective opinions from the same verse.

The Gemara further elaborates on the day when a new season begins.

Shmuel's understanding of R' Yehudah's position is successfully challenged.

The Baraisa that presents the dispute between R' Yehudah and R' Yosi is cited.

The exact point of dispute between them is clarified.

A contradiction in the opinion of R' Yosi is noted and resolved.

The point of dispute between R' Shimon and Tanna Kamma is explained.

The position of Acherim is further explained.

This explanation is unsuccessfully challenged.

Ravina offers an alternative explanation of Acherim.

This explanation is unsuccessfully challenged.

2) The semicha of the elders

A Baraisa defines which elders do semicha and then presents a dispute whether three or five elders perform the semicha.

The Gemara presents the exchange between R' Yehudah and R' Shimon concerning the correct manner to exposit the verse.

3) Semicha

A Baraisa teaches that semicha and the semicha of el-

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REVIEW and Remember

1. What is the day when the new season begins?

2. What is the point of dispute between R' Yehudah and R' Yosi?

3. How many judges are needed for סמיכת זקנים?

4. Is it necessary for those giving ordination to put their hands on the recipient's head?

Distinctive INSIGHT

Two questions against Shmuel

מיתבי יום תקופה גומר דברי רבי יהודה, רבי יוסי אומר יום תקופה מתחיל

Rav Yehuda in the name of Shmuel had explained the criteria for adding an extra month of Adar. If the sages determine that the coming summer season would not end until a significant part of Tishrei had passed, they must add an extra month of Adar (at the end of the previous winter season, six months earlier). The extra month delays the months of the summer, and the summer season would end earlier (in Elul). Shmuel then presented the opinions of R' Yehuda and R' Yose who define the limits of what the sages would respond to in Adar as they calculate how deep the summer will extend into the following Tishrei. R' Yehuda holds that if sixteen full days of summer (תקופת תמוז) would extend into Tishrei, this would be too much, while Rabbi Yose holds that the maximum limit has been reached if twenty-one full days of the summer extend into Tishrei. According to Shmuel, both R' Yehuda and R' Yose clearly hold that the day תקופת תשרי begins is defined as the first day of the new season, and it must commence no later than the sixteenth of Tishrei (R' Yehuda) or the twenty-second of Tishrei (R' Yose).

The Gemara cites two Baraisos, each of which presents a difficulty against one of the two contentions of Shmuel. The first Baraisa states that R' Yehuda holds that the first day of תקופת תשרי is the final day of summer (יום תקופה גומר). R' Yose holds that the first day of תקופת תשרי is the first day of fall.

The second Baraisa cited brings a dispute regarding how deep into Tishrei we allow the summer to extend before making an adjustment the previous Adar. Tanna Kamma holds up to sixteen full days of Tishrei is the limit, while R' Yehuda says we allow up to twenty full days. R' Yose calculates that if the season of טבת extends sixteen days into Nisan (which corresponds to תקופת תמוז later extending twenty-one days into Tishrei - 182 days later) we must add a month of Adar.

We see in these Baraisos two indications against Shmuel. In the first Baraisa we see that R' Yehuda holds that the first day of תקופת תשרי finishes the summer, and it is not the beginning of fall. Furthermore, the second Baraisa says that R' Yehuda allows twenty days of the summer to extend into Tishrei, and not just sixteen, as reported by Shmuel.

Regarding the first question, Rashi explains that if R' Yehuda holds that the first day of תקופת תשרי ends the season, Shmuel should have reported that we allow only fifteen days of תקופת תמוז to extend into Tishrei (plus the one

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HALACHAH Highlight

Referring to another as **אותו האיש**

ברם זכור אותו האיש לטוב ור' יהודה בן בבא שמו

In fact, that man should be remembered for good and R' Yehudah ben Bava was his name

There was once an incident in which two people were fighting and one called the other **אותו האיש**. The insulted party inquired of the Teshuvos Toras Chaim about the appropriate punishment for such an insult. Teshuvos Toras Chaim¹ responded that since the nickname **אותו האיש** is generally reserved for Jesus it is clear that this was the reference intended and the punishment should be very severe since he was connecting the other person with someone who actively pulled people away from Judaism. The Gemara Kiddushin (28a) teaches that one who calls a friend a slave is put in cherem, one who calls a friend a mamzer receives lashes and one who calls a friend wicked should lose his means of support. The different punishments are the result of the varying severity of the insults. Furthermore, there is an element of measure for measure in these punishments as well. Since a slave is considered cursed one who uses the term as an insult is also cursed which is a consequence of cherem. Since a mamzer receives lashes for marrying a Jewish woman, one who uses the term as an insult is also to receive lashes. Accordingly, the punishment for calling someone **אותו האיש** should be even more severe since his punishment for one who steers others away from Judaism would be stoning. Toras Chaim refrains, howev-

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ers requires a group of three judges.

R' Yochanan explains that semicha refers to ordaining elders.

The Gemara questions the source that ordaining elders requires a panel of three and the question is left unresolved.

R' Acha the son of Rava asks whether ordaining elders requires actually leaning a hand on another's head.

R' Ashi answered that it is unnecessary.

The Gemara begins to challenge the assertion that one person may not ordain elders. ■

er, from providing guidance on the exact punishment that should be administered since that is dependent upon the discretion of the judges who need to take into account numerous factors before deciding an appropriate punishment.

In the course of his discussion he mentions that one should not adopt a lenient approach to the punishment based on our Gemara. The Gemara relates that **אותו האיש** whose name was R' Yehudah ben Bava should be remembered for good. We thus have an example of the phrase **אותו האיש** used as a positive reference and perhaps that was what the person intended when he used this phrase. This approach is invalid since in our Gemara the phrase **זכור לטוב** –he should be remembered for good was added. When that phrase is not added it is assumed that he intended the more derogatory reference to Jesus. ■

1. שו"ת תורת חיים למהר"ש ח"ג סי' מ"ט. ■

STORIES Off the Daf

A disputed practice

"שאיילמלא הוא נשתכחו קנסות מישראל..."

After well over a thousand years, Rav Yaakov bei Rav, zt"l, decided to reestablish the ancient practice of semichah. He ordained the Beis Yosef, zt"l, the Mabit, zt"l, Rav Avraham Shalem, zt"l, and Rav Yisrael Dikoral, zt"l.

When asked how he could change the custom of so many centuries he replied. "The Rambam writes on the Mishnah in Sanhedrin that if all the chachomim of Eretz Yisrael agreed to appoint judges and ordain them they have bona fide semichah and may even

issue rulings relating to fines and the like, which require true ordination to adjudicate. The Rambam brings a similar statement in his Mishneh Torah. Although he seems to have some doubts about this in the Yad, in his commentary to the Mishnah in Bechoros he refers to his words in the Yad Hachazakah and writes clearly that if the chachomim of Eretz Yisrael bestow semichah it is absolutely valid."¹

The Beis Yosef, zt"l, following Rav Yaakov bei Rav's analysis, also bestowed semichah on the Alshich, zt"l, who then gave semichah to Rav Chaim Vital, zt"l.² Nevertheless, there was some controversy surrounding this novel ruling. Most notably, the Ralbach, zt"l, perhaps the most renowned rav in Yerushalayim at that

time, disagreed with this analysis, and even wrote a lengthy discourse to disprove his thesis.³ At the same time, the Radbaz, zt"l, in Egypt also argued that it was impossible to confer semichah in our times, and after several generations, this controversial practice ceased. ■

1. שו"ת מהר"י בי רב, סי' ס"ג
2. מבואר בברכי יוסף, חו"מ, סי' א'
3. קונטרס הסמיכה, בסוף שו"ת מהרלב"ח
4. מבואר בתולדות שדנפס בתחילת שו"ת מהר"ם אלשיך ■

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day of **תקופת תשרי** (תקופת תשרי), rather than sixteen full days. **יד רמה** explains that the problem is that Shmuel held that R' Yehuda holds that the day of **תקופת תשרי** begins the fall, rather than ending the summer, as in the Baraisa. ■