

OVERVIEW of the Daf

1) Semicha (cont.)

The Gemara concludes its unsuccessful challenge to the ruling that one judge may not ordain elders.

The indication of the previous incident that R' Yehudah ben Bava ordained R' Meir is questioned and the Gemara answers that he received two ordinations.

R' Yehoshua ben Levi rules that there is no ordination outside of Eretz Yisroel.

This is explained to mean that ordination is not conferred outside of Eretz Yisroel.

The Gemara inquires whether ordination could be conferred from elders in Eretz Yisroel to scholars outside of Eretz Yisroel.

Incidents are cited that indicate that the one receiving ordination and the one giving ordination must be together.

Incidents related to conferring ordination are recorded.

2) Eglah arufah

A Baraisa presents the rationale behind the two opinions of whether three or five judges are needed for the eglah arufah ceremony.

The exchange between R' Yehudah and R' Shimon regarding their respective expositions is recorded.

It is noted that there are additional phrases that should increase the number of judges to either seven or nine judges.

It is noted that the Mishnah does not agree with R' Eliezer ben Yaakov who stated that Sanhedrin, the king and the kohen gadol are needed for the eglah arufah ceremony.

The Gemara asks whether R' Eliezer ben Yaakov disagrees on one point or two.

R' Yosef cites a Baraisa to prove that R' Eliezer ben Yaakov disagrees on two points.

Abaye rejects this proof in favor of an alternate explanation of the Baraisa.

A Baraisa is cited that supports R' Yosef's interpretation of the Baraisa.

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REVIEW and Remember

1. Why did R' Meir receive semichah multiple times?

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

3. According to R' Eliezer ben Yaakov, who had to be present at an eglah arufah ceremony?

4. Why did the Gemara find difficult the Mishnah's case of erech valuations?

Distinctive INSIGHT

How many judges conduct the actual breaking of the neck of the calf?

עריפת עגלה בשלשה

The Rishonim (Tosafos, חידושי ר"ן) write that the Mishnah is not teaching that the full procedure of Eglah Arufa is performed by a Beis Din of three judges of the Great Sanhedrin. Rather the intent of the Mishnah is to teach that the measuring procedure from the body to the nearest city is done by a panel of three judges. **יד רמה** and Meiri note that although the Mishnah uses the term "עריפת עגלה," which seems to refer to the actual breaking of the neck of the calf, nevertheless, the intention is only for the measuring, because without measuring there would be no breaking of the neck of the animal. **יד רמה** points out that the other processes listed in the Mishnah such as **אונס** and **מפתה** are also not discussing the need for three judges when the money from the man is paid to the woman or her father, but we rather require three judges when the determination is being made regarding the verdict. Similarly, the three judges mentioned in reference to **עגלה ערופה** are mentioned regarding the measurement, when we determine which city will perform the rest of the procedure.

Nevertheless, Rambam (Hilchos Sanhedrin 5:5) writes that the entire procedure of Eglah Arufa is done by a group of three representatives of the Great Sanhedrin. Although the verses in the Gemara are only speaking about the measuring from where the body is found to determine which is the nearest city, Rambam understands that the rest of the procedure of Eglah Arufa is learned from the measuring. Once the Mishnah teaches that three judges are needed for the measuring, we use three judges for the remainder of the procedure, as well.

Tosafos proves his contention that the intent is that three judges perform the measuring procedure. The Gemara in Sota (44b) tells us that three judges are dispatched from the Great Sanhedrin in order to measure. The subsequent Mishnah (ibid. 45b) tells us that after doing the measuring, the three judges from the Great Sanhedrin then leave, whereupon the elders of the city which is determined to be closest come and bring the calf and perform the rest of the procedure. We see clearly that the elders of the Great Sanhedrin do not do the actual procedure, but that it is done by the elders of the nearby city. And, in reference to the elders of the closest city the Mishnah does not say that it is only three of them who come. Finally, Tosafos notes that all the verses cited in our Gemara regarding "עגלה ערופה" are only those which deal with the measuring from the body to the closest city, and they do not deal with any other part of the procedure. ■

Today's Daf Digest is dedicated
 Mr. and Mrs. Paul Pinkus
 In loving memory of their father
 ר' שלמה בן ר' פנחס, ע"ה

HALACHAH Highlight

The minimum age to receive ordination

דאמר ר' שמואל בר נחמן אמר ר' יונתן מניין שאין נסמכין לבית עלי
 As R' Shmuel bar Nachman in the name of R' Yonason taught, how do we know that descendants of Eli will not be ordained

The Gemara cites the teaching of R' Shmuel bar Nachman in the name of R' Yonason that descendants of the House of Eli are never to be ordained. This teaching is based on the pasuk that states (I Shmuel 2:32), לא יהיה זקן בביתך כל הימים – There shall not be an elder in your house for all of your days. The term זקן is not meant literally since there is another pasuk that indicates that men of the House of Eli will not grow old; rather it means that a member of the House of Eli will not be ordained. Rashi¹ explains that even if a descendant of Eli were to overcome the curse of dying before the age of eighteen through Torah study and acts of chessed, nevertheless, he will not be ordained.

Sefer Alei Yonah² further elaborates on Rashi's comments. Shulchan Aruch³ cites an opinion that it is not correct for someone to serve as a judge if he is less than eighteen years old. Similarly, we do not authorize slaughterers who are less than eighteen years old⁴. The reason is based on the assumption that until eighteen years old a person's mind is not yet fully matured. Accordingly, Rashi assumed that ordination was not given to people less than eighteen years old and thus to teach that descendants of Eli who are less than eighteen do not receive ordination would not be novel since no one received ordination that young. Therefore, Rashi explained that the teaching of R' Shmuel bar Nachman in the name of R' Yonason must refer to those descendants who merited to live past the age of eighteen.

The Gemara Sotah (22b) indicates that forty is the age when one may issue halachic rulings (הוראה). Rambam⁵, however, does not mention this minimum age requirement for issuing halachic rulings. Lechem Mishnah⁶ explains that the requirement to be

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3) Appraising fourth-year fruit and ma'aser sheni

A Baraisa gives examples of when the value of ma'aser sheni is unknown.

Another Baraisa discusses who is fit to be on the panel of appraisers.

R' Yirmiyah asks whether three partners can serve as the three appraisers.

An unsuccessful attempt to resolve the inquiry is presented and the question is left unresolved.

4) Appraising consecrated objects

It is noted that the Mishnah that only requires three appraisers for consecrated objects is inconsistent with R' Eliezer ben Yaakov who requires ten appraisers.

R' Pappa comments that he knows the source for R' Eliezer ben Yaakov's opinion but does not know the source for Rabanan's opinion.

A number of possible sources are suggested but rejected and the matter is left unresolved.

5) Erech valuations

The Gemara inquires about the intent of the Mishnah's reference to erech valuations of movable objects.

R' Gidal in the name of Rav explains the meaning of the Mishnah. ■

forty is based on the premise that one does not understand his rebbi's teachings until the age of forty (see Avodah Zarah 5b) but that applied only when students learned from their teacher's without the use of sefarim. Now that we study Torah from sefarim, one is qualified to rule as soon as he acquires the requisite knowledge. ■

1. רש"י ד"ה הכתיב וד"ה אלא סמיכה.
2. ספר עלה יונה עמי רצ"ג.
3. שו"ע חו"מ סי' ז' סעי' ג'.
4. שו"ע יו"ד סי' א' סעי' ה'.
5. רמב"ם פ"ה מהל' תלמוד תורה ה"ד.
6. לחם משנה שם. ■

STORIES Off the Daf

The rise to greatness

איין אדם עולה לגדולה אלא אי"כ מוחלין לו כל עונותיו...."

Rav Avraham of Prosov, zt"l, once illustrated how a great person finds the right counsel with a story that relates to today's daf.

"One time Rav Chaim, the av beis din of Linitz and the author of Divrei Mishpat, zt"l, ascended the bimah and announced that he was resigning his position as av beis din of their community. When the

surprised congregation asked what had caused him to take such a drastic step, he refused to explain. All he would say is that he was no longer interested in being their rav.

The prominent people in the town immediately began to plead with him to reconsider his decision, and after quite a bit of arguing he agreed to be reinstated as their rav and av beis din. At that moment, they again asked him why he had decided to resign from his position in the first place. His reply was quite a shock to them.

"In Sanhedrin 14 we find that one does not ascend to greatness until his sins

are first forgiven. By abdicating and being reinstated, all my sins were again forgiven. Wasn't this worthwhile?"¹

But why should attaining a position afford atonement to sins? When someone presented this question to the Noam Megadim, zt"l, he explained: "In Eiruvin 13 we find that Hashem uplifts those who humble themselves. It follows that one who was appointed to a holy position must have humbled himself. Since in Sotah 8 our sages teach that one who is humble is considered to have brought all the sacrifices it follows that his sins are also forgiven!"² ■

1. קרני ראם, ע' קכ"ב
2. נועם מגדים, פרשת שמיני ■