

This month's Daf Digest is dedicated  
לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעעש  
From the Grin family, Sao Paulo, Brazil

## OVERVIEW of the Daf

### 1) Zaken mamre

A Beraisa expounds on a verse in the parsha of zaken mamre.

The Gemara proves that Eretz Yisroel is higher than all other lands.

A Beraisa presents a dispute regarding what issue can make someone into a zaken mamre.

The Gemara explains the rationale of each position.

Upon the request of R' Huna bar Chinana R' Pappa explains an earlier Beraisa in accordance with the position of R' Meir.

Each case of the Beraisa is explained in greater detail by R' Pappa and along the way many disputes are cited.

■

## REVIEW and Remember

1. How do we know that Eretz Yisroel is the highest of all lands?  
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2. What is the point of dispute among R' Meir, R' Yehudah, and R' Shimon?  
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3. What is the point of dispute between Rav and Levi?  
.....
4. Why does the Torah use the term קיר as well as קירות?  
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## Distinctive INSIGHT

### *The case of the Zaken Mamre*

תנו רבנן זקן ממרא אינו חייב אלא על דבר שזדונו כרת ושגגתו חטאת דברי רבי מאיר, רבי יהודה אומר על דבר שעיקרו מדברי תורה ופירושו מדברי סופרים

The Torah (Devarim 17:8-13) teaches that a scholar who rebels by ruling against the verdict of Sanhedrin is liable for death. Our Gemara provides the details of this halacha. The Beraisa cites two opinions regarding the precise nature of the law which this scholar challenges. Rebbe Meir holds that this chapter only applies if the scholar challenges a law which is deserving of כרת if done intentionally, and a chattas offering if done unintentionally. Rebbe Yehuda contends that the law must be one whose roots are in the Torah, and its explanation is provided by the sages (מדברי סופרים). In the Gemara (later, 88b), R' Oshaya explains that the view of R' Yehuda also requires that the halacha which the scholar challenges have two more factors. That is that the halacha discussed be susceptible to being added to, and that if anything is added, the halacha is ruined. The Gemara analyzes these criteria, and it determines that the only case which is eligible for this chapter is the mitzvah of tefillin. The mitzvah of tefillin is commanded in the Torah, but the details regarding how to fulfill this precept have been transmitted to us by our sages. It is our oral tradition which teaches that the repeat of the plural word "טוטפת" represents the number four, thus indicating that there must be four compartments in the tefillin. If the elder who challenges the Sanhedrin rules that the tefillin must have five compartments, his attempt to add to the mitzvah has ruined it.

The Rishonim discuss whether the view of R' Yehuda is meant to add upon the cases of R' Meir, or whether his view of this halacha is exclusive of the cases which R' Meir holds. Here, there are three approaches among the Rishonim. Tosafos holds that R' Yehuda limits the view of R' Meir, and he holds that the only case of a ממרא is in a case of tefillin. Several Achronim understand that the view of Rambam (Hilchos Mamrim 3:5) is that R' Yehuda is adding to R' Meir. In addition to the cases included by R' Meir, R' Yehuda adds that this halacha can apply regarding tefillin as well. ר"ן explains that R' Yehuda

# HALACHAH Highlight

## Is Eretz Yisroel the highest land?

מלמד שבית המקדש גבוה מארץ ישראל וכו'

*It teaches that the Beis Hamikdash is higher than the rest of the land of Israel etc.*

The Gemara demonstrates that Eretz Yisroel is higher than all other lands and the Beis Hamikdash is the highest place in Eretz Yisroel. Later authorities note that a glance at the world does not seem to support this contention. Furthermore, since the world is a sphere, the horizon will always appear lower and a person who approaches from the horizon gives the appearance as though he is ascending indicating that higher and lower is just a matter of perspective. Maharsha<sup>1</sup> and Chasam Sofer<sup>2</sup> explain that the intent of the Gemara is not to identify the highest place in terms of altitude; rather the intent is to convey the fact that Eretz Yisroel is the central land of all other lands and the Beis Hamikdash is the central place within that land. These places are seen as though they were the starting point from which the rest of the world emerged. As such, they are considered the top of the world, meaning it is the location from which all other lands and cities spread.

Teshuvos Haradvaz<sup>3</sup> writes that during the time the Beis Hamikdash was standing it was higher than any other location in Yerushalayim. The reason we do not see this in our times is that when our enemies came and conquered

*(Insight...continued from page 1)*

holds that regarding negative commandments, it must be one which is commanded in the Torah and explained by the sages. And in regard to positive commandments, the halacha of a rebellious sage applies only in a case of tefillin. ■

Yerushalayim they dug all the way down to the foundation so that their temples would stand at the highest place in Yerushalayim. This leaves the place where the Beis Hamikdash once stood lower than it once was. Additionally, every time Yerushalayim was conquered the conquering nation would destroy the existing structures and the new construction was built on the ruins. This has caused the rest of the city of Yerushalayim to be taller than it was during the time of the Beis Hamikdash which also accounts for why the location of the Beis Hamikdash does not appear to be the highest place in Yerushalayim.

Yam Shel Shlomo<sup>4</sup> points out that there is halachic significance to the fact that Eretz Yisroel is the highest place on earth. If, for example, someone were to make a vow that they will ascend from Eretz Yisroel to another location the vow is void and he receives lashes for having taken a false vow. Since Eretz Yisroel is the highest land it is patently impossible to ascend from Eretz Yisroel to another place. ■

1. מהרש"א קידושין ס"ט. ד"ה בית המקדש.
2. שו"ת חתם סופר יו"ד סי' רל"ד.
3. שו"ת הרדב"ז ח"ב סי' תרל"ט.
4. ים של שלמה קידושין פ"ד סי' א'.

# STORIES Off the Daf

## The lofty level of Eretz Yisrael

"ארץ ישראל גבוה מכל הארצות..."

On today's daf we find that Eretz Yisrael is the highest of all lands.

When Rav Aharon Menachem Mendel of Radzimin, ז"ל, returned from his final visit to Eretz Yisrael, he could not stop enthusiastically praising the land. "The new Torah thoughts that I developed in the holy land were much deeper and I gained great insight that I never had before. Even the air and the earth and the sun shining in Eretz Yisrael are completely different than outside the land."

When his student Rav Yisrael Weinstock, ז"ל, asked him what he meant by this statement, the Rebbe responded unequivocally. "This can be compared to Shabbos kodesh. Even the simplest Jew experiences a difference even in the physical world on Shabbos. Even the wall of a person's home is completely different during Shabbos, and the same is true of the physical matter of Eretz Yisrael."

But Rav Weinstock was unsure what he meant by this explanation and continued to question. "But what does the Rebbe really mean?"

"I do not mean deep spiritual concepts that are abstract and mystical. I simply mean every person's perception

of the physical. Even the simplest Jew sees that everything is different on Shabbos, since everyone becomes very different then. The same is true regarding Eretz Yisrael."<sup>1</sup>

These sentiments were shared by Rav Chaim Brim, ז"ל. His love for Eretz Yisrael was so intense that whenever he had to leave Israel he observed the same custom. Before boarding the plane—or immediately after disembarking on his return trips—he would spread out something on the ground, prostrate himself and kiss the holy earth of Eretz Yisrael.<sup>2</sup> ■

1. מרביצי תורה מעולם החסידות, ח"ד, עיני
2. מרבה חיים, עי קכ"א