



OVERVIEW of the Daf

1) Clarifying points from the previous daf

How could R' Yehudah in the name of Shmuel state that there were eighteen issues where Beis Shamai and Beis Hillel disagreed when a Baraisa states that they agreed upon the eighteen issues?

The Gemara answers that initially they differed and on the following day they came to an agreement.

2) The three issues disputed by Hillel and Shamai

Shamai maintains that challah is taken from a kav of flour, Hillel says that challah is taken from two kav of flour and the Chachamim hold that a kav and a half of flour is obligated in challah and that number grew as the measurements were enlarged.

Hillel maintains that a full hin of drawn water disqualifies a mikva that is being filled, Shamai holds that nine kavin is the amount that disqualifies the mikva and the Chachamim disagreed with both opinions until the opinion of Hillel was proven correct.

Shamai maintains that when a woman sees menstrual bleeding she is temeiah from that moment onwards, Hillel holds she is temeiah retroactive to the time she did her last examination and the Chachamim state that she is temeiah retroactive to 24 hrs. previous to the appearance of the blood or from the last examination, whichever will result in the greater leniency.

3) The decree of tumah on the land outside Eretz Yisroel

A Baraisa quoted earlier stated that it was Yosi ben Yoezer and Yosi ben Yochanan who decreed that land outside Eretz Yisroel is tamai and yet we have sources that indicate that this decree wasn't made until just eighty years before the destruction of the Beis HaMikdash, which was well after the period of Yosi ben Yoezer and Yosi ben Yochanan.

After a long discussion on the matter the Gemara concludes that Yosi ben Yoezer and Yosi ben Yochanan decreed that the earth from outside Eretz Yisroel was to be considered doubtful tumah but no decree was made regarding the airspace of the Lands of the Nations. Eighty years before the destruction of the Beis HaMikdash the decree was extended to include even the airspace of the Lands of the Nations. Finally in Usha the decree was extended to the point where the earth itself is treated as definitively tamei whereas the decree regarding the airspace was not changed.

4) The tumah of glass

The Gemara questions why the Rabbis decreed that glass should be susceptible to Tumah.

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Today's Daf Digest is dedicated
 לע"נ רב חיים בן שלמה אהרן
 by Alan and Sheila Shapiro

Distinctive INSIGHT

To Follow the Majority

“ח גזרו ובי”ח נחלקו

The meeting which took place in the attic of R' Chanania ben Chizkia ben Garon was a historic one. In his commentary to the Mishnah, Rambam writes that R' Chanania was a great sage, and he was the leader of his generation. He secluded himself in his apartment in order to author a commentary to Sefer Yechezkel and to clarify the verses which seemed to be contrary to Torah law. Often, the elders of the generation came to visit him, and on one occasion a large group convened together. There was no one who was qualified for making halachic decisions who was absent, and when they took a roll call, they noted that the students of Beis Shamai were in the majority. The group voted in favor of enacting a total of eighteen rabbinic laws, and there was another eighteen rules which were decided without controversy.

Pischei Teshuva (Choshen Mishpat 231:#6) writes that when the Torah rules that we must follow the majority it means that we must take a vote and rule according to the majority only when we have all the members of the quorum present at the time of the vote. In fact, even if the ones present comprise a large number of the voters, and even with those not currently present the vote would still be decisive, the majority present is not valid. It could be that one of those now absent would voice an opinion and convince many voters to change their opinion.

This is the background for the words of Rambam, that the meeting at the home of R' Chanania had to have taken place without anyone of stature missing. Otherwise, the fact that a vote had been taken would not have been adequate to determine these rabbinic enactments. ■

REVIEW and Remember

1. Why did Hillel use the phrase “מלא הין” rather than the more common terms used in the time of Chazal?
2. Why is the dispute between Hillel and Shamai regarding semicha not counted as one of their disputed?
3. What is the significance of the fact that Sanhedrin was exiled?
4. What may and may not be done with terumah that is safek tamei?

HALACHAH Highlight

May a Kohen leave Eretz Yisroel?

יוסי בן יעוזר איש צרידה ויוסי בן יוחנן איש ירושלים גזרו טומאה על ארץ העמים.

Yossi ben Yoezer, leader of Tzireyda, and Yossi ben Yochanan, leader of Yerushalayim, decreed impurity upon the lands of the gentiles.

The Gemara explains that there were three stages in the evolution of the decree assigning impurity to the lands of the gentiles. Being that the land of the non-Jews is impure by Rabbinic decree, a Kohen is directed to not leave Eretz Yisroel to travel there. This is codified by the Shulchan Aruch in two places.¹

Here are some points about this matter:

- Kohanim that already live outside Eretz Yisroel have already come into contact with this impurity, and therefore being that this impurity is Rabbinic in origin, they do not need to avoid further contact with impurity of Rabbinic origin, such as this. Furthermore, the difficulty of the Diaspora is also a factor in this matter².
- The Rabbis who introduced this decree created also some exceptions to this rule. If the impurity is Rabbinic in origin, and not Scriptural in origin, such as our law, then a Kohen may depart to the Diaspora in order to get married³. Similarly, he may leave Eretz Yisroel to learn Torah⁴; this is true even if there are places of learning in Eretz Yisroel, since one cannot learn from every teacher⁵.
- The Poskim permit leaving Eretz Yisroel for medical issues⁶. Some extend this to permit leaving Eretz Yisroel for recovery as well⁷.
- One may depart Eretz Yisroel for matters of respect to one's parents⁸.
- The Aruch HaShulchan⁹ writes that a Kohen may leave Eretz Yisroel to visit the ill.
- Other matters of Mitzvah are a point of discussion¹⁰.

(Insight...continued from page 1)

R' Yochanan in the name of Reish Lakish suggests that since glass is made from sand the Rabbis decreed it susceptible to tumah like earthenware.

The Gemara begins a series of questions to prove that glass is not treated like earthenware. ■

Although this law is codified as cited earlier, many Poskim¹¹ rule that this decree is no longer applicable today. They base their view on the contention that this decree was intended for the age when the Jews in Eretz Yisroel conducted themselves according to the lofty regulations of ritual purity. However, today when that is no longer the case, this decree is no longer applicable. Others argue that the Shulchan Aruch who records this law is not accustomed to cite laws that are not applicable. All indications being that the Poskim who reference this law still see it as binding¹². Many contemporary authorities¹³ are cited as ruling that today a Kohen may not leave Eretz Yisroel unless it is for a Mitzvah. ■

1. יו"ד סי' שסט וסי' שעב סי"א
2. שו"ת שבות יעקב ח"א סי' פה
3. יו"ד סי' שעב סי"א
4. שם
5. שם
6. שו"ת צמח צדק ניקולסבורג (סי' יג)
7. ע"י סי' טהרת הכהנים כהלכתה (קוני זכרון יששכר דוב, סי' ו, ענף ג, דף רמז ע"ב) בשם שו"ת משנת יוסף (סי' נז סי"ג)
8. שו"ת תשב"ץ ח"ג (סי' רפח). ע"י בזה בסי' טהרת הכהנים כהלכתה שם (דף רמז ע"ב)
9. ערוה"ש יו"ד סי' שעב סי"א
10. ע"י ערוך השלחן שם בסיום דבריו שכתב: "וכן כל כיוצא בזה" אבל ע"י משי"כ בדעתו בשו"ת אגרות משה (ח"א מחיו"ד סי' רמט). וע"י באורך בסי' טהרת הכהנים כהלכתה (קוני זכרון יששכר דוב, סי' ו, ענף א, דף רמז ע"א)
11. ע"י מהרש"ל בביאורו על הטור (יו"ד סי' שסט), ובב"ח וט"ו וש"ך שם. ועוד.
12. שו"ת שבות יעקב ח"א סי' פה וח"ב סי' צח. ע"י פת"ש יו"ד סי' שסט.
13. ע"י סי' טהרת הכהנים (קונט' בארות הטהרה, ענין ארץ העמים, סוף עמי קא) בשם הגר"י אלשיב והגר"ח"פ שינברג והגר"נ קרליץ שליט"א. ע"ש. ע"י חשו"ק חמד (כאן, עמי קו). ■

Gemara GEM

Torah Tradition

חייב אדם לומר בלשון רבו

The Gemara instructs a student to repeat the words of Torah using the same expressions that his rebbe used. Shmaya and Avtalyon, the teachers of Hillel, were converts to Judaism. Due to their native language and its sounds, they could not pronounce a clear difference between the letter "ה" and the letter "א" in Hebrew. When Hillel later taught this lesson which he learned from his teachers, he used the

same expression he had heard from them. This cannot mean that if a rebbe has a speech impediment that the students should always repeat the lesson using his same defective words. What, then, is the meaning of this rule?

Shmaya and Avtalyon taught the lesson of the formation of a mikvah, and how the first forty se'ah cannot be completed with a specific amount of drawn water. If they would have said "A hin of drawn water ruins a mikvah," instead of it sounding like "הַן מֵיִם שְׂאוּבִים וְכוּ", it would have sounded like "אַן מֵיִם שְׂאוּבִים". This translates to be the opposite - "Water that

is drawn *does not* ruin a mikvah"! In order to avoid this misunderstanding, Shmaya and Avtalyon added a word at the beginning of the sentence, and they always said, "מֵלֵא הֵיִן מֵיִם..." - a full hin of water... In this way, no one would misconstrue their pronunciation and hear it as "אין".

Hillel did not have a problem with his enunciation of the letters "ה" and "א". Although he could have taught the lesson he heard from his rabbis by beginning the sentence with the word "אין", he was careful to repeat the lesson the way his rabbis had taught it to him, and he said "מלא הין". ■