



OVERVIEW of the Daf

1) Elisha (cont.)

The Gemara continues to analyze verses related to Elisha. R' Chanina relates the death of the forty-two youths to the korbanos of Balak.

This connection is unsuccessfully challenged.

R' Yochanan enumerates three things that are attractive to their possessor.

A Baraisa discusses Elisha's illnesses and the transgressions that caused those illnesses.

2) Using the left to push away and the right to draw near

A Baraisa teaches that one should use the left to push away and the right to draw near. Two examples of this principle are recorded.

Another Baraisa teaches that when dealing with the evil inclination, children, and women, one should push away with the left and draw near with the right.

3) MISHNAH: The Mishnah discusses what is done if the identity of the corpse is discovered in the middle of the *עגלה ערופה* ceremony. What Beis Din would do when there was conflicting testimony is explained. The Mishnah identifies when they stopped performing the *עגלה ערופה* ceremony and events that represent the end of an era.

4) Clarifying the Mishnah

A Baraisa identifies the source that a murderer is executed even if he is discovered after the *עגלה ערופה* ceremony.

A Baraisa is cited to support the implication of the Mishnah that a single witness is reason to not perform the *עגלה ערופה* ceremony.

R' Akiva gives another case where the *עגלה ערופה* ceremony was not observed.

The Gemara questions the assertion that a single witness is sufficient to not perform the *עגלה ערופה* ceremony.

Ulla suggests changing the language of the Mishnah to indicate that a single witness cannot contradict the testimony of the first witness and the ceremony was not performed.

R' Chiya asserts that the Mishnah should not be changed and explained when the second witness can contradict the first.

R' Chiya's position is challenged.

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Today's Daf Digest is dedicated
 By Mr. Richard Tresley
 In loving memory of his mother
מרת דאבא בת ר' אברהם זאב, ע"ה

Today's Daf Digest is dedicated
לע"נ הרב מיכאל בן הרב אלחנן שרגא זצ"ל
 By Mr. and Mrs. Joseph Abramchik

Gemara GEM

The procedure of עגלה ערופה was suspended...

משרבו הרוצחנין בטלה עגלה ערופה לפי שאינה באה אלא על הספק

The Gemara reports that with the increase of cases of murder, the procedure of *עגלה ערופה* was suspended. Although this response might seem counterintuitive, the Gemara explains that *עגלה ערופה* is only brought "when there is a doubt," but with the prevalence of murder incidents, this was no longer a viable response. How is this to be understood?

Rashi explains that with the increase in the murder rate, it became well known who the murderers were. The Torah states that this procedure is only appropriate when "it is not known who killed him." This is why the procedure became obsolete. Rashash, however, questions this approach of Rashi. Why should our being aware of who the murderers were make a difference to any particular case when we find a body and we do not know who killed this body? In this case there is a doubt, and an *עגלה ערופה* should be brought!

Meiri explains that Rashi means that we only perform this procedure when there is a genuine doubt, but when the murderers are well-identified, this is a doubt which is close to being clarified (*אין זה ספק גמור*).

Rashash explains that the Gemara in Avoda Zara (8b) teaches that with the increase in murder, the courts realized that the situation was out of hand, and they ceased to judge these cases. Many Rishonim explain that one of the purposes of the *עגלה ערופה* ceremony was in order to publicize this case so that the murderer would be found and brought to justice. However, if these cases were no longer being judged, there was no reason to conduct the *עגלה ערופה* procedure in the first place.

Rashash also notes that the Tosefta notes that, technically, this procedure is performed when a body "is found *חלל-לל*," from which the Gemara learns "פרט למצוי" — as opposed to where it is prevalent." With the increase of murders, bodies were common, and the *עגלה ערופה* procedure was suspended. ■

REVIEW and Remember

1. What three things does someone always find attractive?

2. What is the correct way to interact with one's yetzer hora?

3. Why did an increase in murder cause the abolishment of the *עגלה ערופה* ceremony?

4. What caused an increase in disputes?

HALACHAH Highlight

Is it permitted to accept gifts?

משרבו מקבלי מתנות נתמעטו הימים ונתקצרו השנים

When the number of people who accepted gifts increased their days decreased and their years become shortened

Yam Shel Shlomo¹ notes that this dictum warning against accepting gifts is not recorded in the writings of the earlier Poskim because the statement does not explicitly prohibit accepting gifts. The pasuk merely states that one who despises gifts will live. The lesson of the pasuk is that one who refuses a gift and instead chooses to rely on Hashem is not considered to be one who is doing harm to himself (מאבד עצמו לדעת) rather he will live because he is placing his trust in Hashem. Therefore, those who are particular about the matter and refuse gifts may do so but it is not a binding obligation to refuse a gift. This is also the ruling in Shulchan Aruch² which states that it is an act of piety (מדת חסידות) to refuse acceptance of a gift and instead place one's trust in Hashem.

The question of the propriety of accepting gifts has a number of interesting applications. Teshuvos Mishnah Halachos³ was asked whether it is appropriate to give a gift to a chosson and kallah in light of the pasuk that those who despise gifts will live. He responded that the dictum שונא מתנות יחיה refers to a person who gives gifts to others but refuses to accept gifts for himself. Wedding gifts are in a different category and are considered more of a sale than a gift. When a friend gets married he is given a gift with the expectation that when today's gift-giver gets

STORIES Off the Daf

"The sin of her sons and daughters"

עון דבניה ודבנותיה

A certain man with profound yiras shamayim applied to be the chazan for a local shul. He was exceptionally talented and was on the verge of being accepted when someone pointed out that this man's wife did not cover her hair.

The objector said, "It says that a shliach tzibur's house must be clean from sin. Perhaps this also means the sin of his household?"

When they asked the local rabbi, he added that according to the Maharam brought in the Hagahos Maymonios, if a man's wife refuses to cover her hair he is obligated to divorce her. In view of this,

even if a chazan is not obligated for the sins of his family, he has a sin on his own account since he doesn't divorce his wife!

However, the rabbi didn't want to assume responsibility for a question he felt was out of his league. So he consulted with the Mei Yehudah, zt"l. The Mei Yehudah, replied, "First of all, although the Sha'agas Aryeh writes that a cantor is disqualified for sins of his wife or family, this is a very novel interpretation since the only time we ever find such a thing is on Sotah 47. We see there that the waters won't work even if the children sinned. But this is not the rule, since a potential soldier is only disqualified for his own sins not those of his family.

"Your other point, that this man is himself a rasha for refusing to divorce his wife, is more compelling. However, it is not so clear that he is truly a rasha, espe-

cially in view of how most people relate to violators of this prohibition. Unfortunately, due to our many sins, they feel as though it is no big deal.

"I rule in such a case that there is cause to be stringent, but it depends on the person. In this particular case, since everyone knows him to have profound yiras shamayim as your honor wrote, I think he should be given the job. He must have rebuked his wife but she apparently rules over him and he cannot divorce her for one reason or another. Even if his reason is monetary, he is still considered coerced in this regard."

The Mei Yehudah concluded, "I am not actually ruling that this is permitted, however, since that is for you to decide. 'A dayan can only go by what his eyes see!'" ■

(Overview. Continued from page 1)

Two resolutions to the contradiction are recorded.

A Baraisa explains why an increase in murderers was a reason to stop the ערופה ceremony.

A Baraisa explains why an increase in adulterers was a reason to stop using the bitter waters.

The reason two verses are needed for this principle is explained.

5) The consequences of different negative behaviors

A Baraisa presents a list of negative behaviors and the consequences that resulted from an increase of those behaviors.

6) Clarifying the Mishnah

A Baraisa explains the term אשכולת.

The Gemara explains why Yochanan Kohen Gadol abolished the ma'aser confession. ■

1. ים של שלמה חולין פ"ג סי' ט'
2. שו"ע חו"מ סי' רמ"ט סעי' א'
3. שו"ת משנה הלכות חט"ו סי' רט"ו
4. שו"ת שיח יצחק סי' קכ"ה
5. שדי חמד מערכת השין כלל י"ג ■