

Daf Digest for Chodesh Iyar is dedicated  
In memory of Israel Isser Ben Tzion ben Yaakov

## OVERVIEW of the Daf

### 1) The Kohen Gadol's lodging

A Baraisa explains why the Kohen Gadol was taken to the House of Avtinas.

R' Pappa declares that the Kohen Gadol had two chambers, one was the Parhedrin Chamber and the other was the House of Avtinas. One was on the north side of the courtyard and the other was on the south side of the courtyard but R' Pappa did not know which one was on the north and which one was on the south.

R' Pappa asserts that it is logical to assume that the Parhedrin Chamber was on the south because that would result in less walking for the Kohen Gadol.

The Gemara, however, rejects R' Pappa's assertion.

### 2) The Kohen Gadol as an agent

It is noted that the Mishnah's statement that the Kohen Gadol is the agent of the people is seemingly at odds with R' Huna the son of R' Yehoshua who maintains that the Kohen Gadol is an agent of Hashem.

The Gemara demonstrates how the Mishnah could be explained in a way that is consistent with R' Huna the son of R' Yehoshua.

### 3) The Kohen Gadol's oath

The Gemara explains why the Elders of the court and the Kohen Gadol cried.

A Baraisa retells an incident of a Tzeduki who incorrectly performed the Yom Kippur service and the consequence he suffered.

### 4) Interruptions during Krias Shema

The Gemara records the incident of Rav correcting R'

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## Distinctive INSIGHT

### An oath that cannot be revoked

משביעין אנו עליך על דעתינו ועל דעת בית דין

Sefer ארי גבורות cites the Gemara (Shvu'os 29a) where Moshe Rabeinu administered an oath to the Jewish people to accept the Torah. He informed them, "I am not giving you this oath according to your own understanding, but rather according to the way Hashem and I administer it." The Gemara there explains that Moshe mentioned his own self as part of the warning in order for the oath to have the status of being **על דעת הרבים**—an oath in front of many," which cannot be nullified. Rashi and Tosafos there struggle with the technical need for such an oath to be made at least in front of three, and Hashem and Moshe represented only two. Nevertheless, in such a context Hashem counts as two.

This leads us to the question, why did the elders of the kohanim have to administer the oath to the Kohen Gadol on their behalf and on the behalf of the court? A court, by definition, is at least three, and this should have been sufficient for the oath to be in full force (see Gittim 34a). Furthermore, the elders of the kohanim probably had at least three members. Why did they have to include the court?

Gevuros Ari answers that Rav Nachman is the one who holds that **דעת רבים** is not ten, but three. He is also the one who holds that a **בית דין** may function with only two members present. Therefore, if the oath would be given by the court alone, this could mean that only two people were there, and this is not enough for **דעת רבים**. The elders of the kohanim might also have been only two people. This is why the oath was given in front of "the elders of the kohanim and the court," in order to ensure that combined, there would be four people, which surpasses the minimum necessary to preclude the possibility that the oath could be nullified. ■

## REVIEW and Remember

1. What was the primary duty of the Sanhedrin?
2. Why do we want to impose on the Kohen Gadol extra exertion?
3. What is the consequence of improperly suspecting another?
4. How many methods were used to keep the Kohen Gadol awake the night of Yom Kippur?

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לע"נ גיטל בת יוסף הכהן ע"ה

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לע"נ ר' חיים יצחק בן מרדכי יהודה הלוי  
Henry Erdfrucht, a"h

# HALACHAH Highlight

## Judging your fellow man

הוא פורש ובכה שחשדוהו צדוקי, והם פורשין ובוכין דאריב"ל כל החודש בכשרים לוקה בגופו

He (the Kohen Gadol) would turn aside and cry for being suspected of being a Sadducee. They (the elders of Beis Din) would turn aside and cry, for R. Yehoshua ben Levi said: Whoever suspects the innocent deserves to be inflicted on his body.

In the opinion of many Rishonim<sup>1</sup> there is a Biblical mitzvah to judge others favorably. Why, then, does the Gemara challenge the practice of requiring an oath from the statement of R' Yehoshua ben Levi regarding one who suspects others, when the Gemara could have challenged the practice from the Biblical mitzvah? Furthermore, if it was appropriate to suspect the Kohen Gadol why did they cry when they were finished?

The Chofetz Chaim writes<sup>2</sup> that the mitzvah to judge others favorably applies only to one who is known to be God-fearing or at the very least one who is neither righteous<sup>3</sup> nor wicked (בינוני). There is no mitzvah to judge favorably a person who may be wicked, e.g. a Sadducee, although it would be an act of piety to judge even an unknown person favorably. Accordingly, the reason the Gemara did not challenge this oath from the mitzvah to judge others favorably is the possibility that the Kohen Gadol was a Sadducee, thus the mitzvah did not apply<sup>4</sup>. They could not even conduct themselves piously, because of the necessity to offer the ketores properly. The reason the elders cried<sup>5</sup> was that they feared that if the Kohen Gadol would prove to be righteous they would be punished for improperly suspecting an innocent person. ■

1. רמב"ם ספר המצוות מצוות עשה קע"ז, ושערי תשובה לרבינו יונה סימן

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Chanan bar Rava regarding the correct spelling of R' Zecharyah ben Kevutal's name.

The reason Rav motioned rather than spoke, explains the Gemara, is that he was saying Krias Shema. The Gemara presents the guidelines for motioning to others during Shema.

Drashos related to the words **וּדְבַרְתָּ בָם** are presented.

5) **MISHNAH:** The Mishnah continues to explain how the Kohen Gadol was kept awake the night of Yom Kippur.

6) **Clarifying the Mishnah**

The meaning of the term **צְרָדָא** is explained.

R' Yitzchak explains one of the activities the Kohen Gadol was encouraged to perform to stay awake.

A Baraisa elaborates on how the Kohen Gadol was kept busy.

Abba Shaul states that even outside of the Beis HaMikdash they would stay up all night, but in one place this led to sin.

Abaye or R' Nachman bar Yitzchak gives an example of the sinning that occurred the night of Yom Kippur. ■

1. ר"ח, וכ"ה בסמ"ג וסמ"ק, כמובא בספר חפץ חיים עשין ג', מהפסוק דבצדק תישפוט עמיתך. ומאידך בספר ארח מישרים פ"ד בביאור ס"ק א' הוכיח משבח דך צ"ז א', ומפיהמ"ש כאן שחייב לדון לזכות גם בסתם אדם שמעשיו סתומים
2. הח"ח שם בבמ"ח, ודייק כן ברמב"ם בהלכות דעות פ"ה ה"ז ובפיהמ"ש באבות פ"א מ"ו. אמנם ע"ש ברע"ב ובאורח משרים פ"ד בביאור סוף ס"ק א'
3. ועי"ש שבאיש ירא אלוקים נתחייבו לדון לזכות גם כשנראה יותר הצד חובה. משא"כ באיש בינוני מחויבים לדון לזכות רק כששני האפשרויות (דלזכות ולחובה) שווים. וכן עי' בפיהמ"ש באבות פ"א מ"ו וברבינו יונה שם
4. ויותר מזה דע שצריך לזהר מסתם אדם כמבואר במעשה דאבא חלקיה בתענית דך כ"ג ע"ב, וכן במסכת דרך ארץ רבה פ"ה במימרא דריב"ל
5. והכה"ג שבכה לכאור' תמוה שהרי יודע שאינם חושדים בו יותר מכ"א, אלא מצוותם קעבדי להשביעו, וגם מדוע המשנה צ"ל זאת שהכה"ג בוכה. ושמה י"ל שהמשנה מלמדת שהוא הנהגה ראויה שיבכה, להתנקות ע"ז מחשד, וכדאכחך בשבת כ"ג א' מוהייתם נקיים מד' ומישראל ■

# STORIES Off the Daf

## The difference between the Perushim and the Tzedokim

שלא יתקן מבחוץ ויכניס כדרך שהצדוקים עושים

Rabbeinu Yona, zt"l, writes that the prime prerequisite in serving God is knowing how precious we are to Him. We attain this knowledge by recognizing our unique gifts, as well as the special qualities of our ancestors. The key to the service of Hashem is to make efforts to encourage ourselves at all times to emulate those qualities and attributes that bring us closer to Him. When this is our starting point, avoiding negative behavior takes on an entirely different meaning. The impulse to

act improperly is accompanied by a sense of embarrassment and injured pride. "How could someone as beloved by God as I am, with so many elevated qualities, the descendant of righteous people, sin against Hashem!"

Rav Shlomo Zalman Auerbach, zt"l, wrote that this thought is at the root of the difference between the Perushim and the Tzedokim, and our Gemara encapsulates this essential divergence very neatly. The Tzedokim fail to grasp just how much Hashem loves us; that is why they felt that the Kohen Gadol could only enter the kodesh hakodoshim obscured by a cloud of incense. All true and loyal Jews know, however, that we are inextricably bonded to Hashem—why should we hide from our loving Father behind a smokescreen?

When the Slonimer Rebbe, Rav Shalom Noach Bruzovsky, zt"l, visited the Kosel for the very first time, he arrived in time for minchah. Afterward, he shared what he had felt at that momentous occasion, and what it did for his own prayers.

"Sadly, due to our sins, we no longer see the revelation of Hashem's Presence that we once did. There is one place from which the Shechinah never moves—the Kosel. It is only there that one can say the words ברוך אתה—Blessed are You, in true consciousness of 'You' (לשון נוכח) because it is only there that we are standing literally before Hashem's Presence."

He joyfully said, "When I merited to feel myself standing before Hashem, all of the pleasures of this world were completely null and void to me!" ■