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Horayos Daf 13

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Precedence

The *Mishna* had stated: If the bull of the Anointed *Kohen Gadol* and the bull of the congregation are waiting to be offered, the bull of the Anointed *Kohen Gadol* takes precedence. The *Gemora* cites a *braisa* which provides the Scriptural source for this.

The *Gemora* cites a *braisa*: If the bull of the Anointed *Kohen Gadol* and the bull of the congregation are waiting to be offered, the bull of the Anointed *Kohen Gadol* takes precedence over the bull of the congregation in every detail. This is because the Anointed *Kohen Gadol* effects the atonement and the congregation receives the atonement; it is logical that the atoner shall take precedence over those who receive the atonement.

The *braisa* continues: The bull that is offered for communal error precedes the bull that is offered for the sin of idolatry. The reason for this is taught in a *braisa*: It is said: *and he shall offer the one that is for a chatas first*, and the word *first* teaches us that any *chatas* offerings precede an accompanying *olah* offering. There is an accepted tradition that even a bird *chatas* will precede the offering of an animal *olah*.

The *braisa* continues: The bull that is offered for the sin of idolatry precedes the goat for idolatry.

The *Gemora* asks: Why is this so? The goat is a *chatas* while the bull is an *olah*?

In *Eretz Yisroel*, it was said in the name of Rava bar Mari: It is because the ‘Alef’ in the word *chatas*, by the sin of idolatry, is missing (*and this indicates that it does not take precedence over an olah*).

Rava replied: It is because it is written: *according to the ordinance*.

The *braisa* continues: The goat for idolatry precedes the goat of the *Nasi*. The reason for this is because one is for the congregation while the other is for an individual.

The *braisa* continues: The goat of a *Nasi* precedes the goat of a private individual. The reason for this is because one is for the king while the other is for a commoner.

The *braisa* continues: The goat of an individual precedes the sheep of an individual.

The *Gemora* asks from a *braisa* which teaches the exact opposite ruling!

Abaye explains: This is a matter of a *Tannaic* dispute. The *Tanna* of the first *braisa* holds that a goat is superior since it was made important by being the offering of an individual for the sin of idolatry, while the *Tanna* of the other *braisa* is of the opinion that a sheep is superior since it was made important in the fact that its fat tail is also offered on the Altar (*and the tail of a goat is not*).

The *braisa* continues: The *omer* offering (*minchah*) precedes the sheep (*olah*) that is brought together with it. The two loaves precede the sheep that are brought with them. This is the general rule: The offering which is due to the sanctity of the festival day precedes the offering that comes on account of the bread. (13a)

Mishna



A man takes precedence over a woman with respect to being saved alive and the restoration of lost property, while the woman takes precedence over the man in clothing and in being released from captivity. If both are in danger of degradation, the man takes precedence over the woman. (13a)

Precedence

The *Gemora* cites a *braisa*: If a man and his father and his teacher were in captivity, he takes precedence over his teacher and his teacher takes precedence over his father, while his mother takes precedence over all of them.

The *braisa* continues: A Torah scholar takes precedence over a king of Israel, for if a scholar dies there is none to replace him, whereas if a king of Israel dies, all of Israel are eligible for kingship.

The *braisa* continues: A king takes precedence over a *Kohen Gadol*. A *Kohen Gadol* takes precedence over a prophet. An Anointed *Kohen Gadol* takes precedence over the *Kohen Gadol* of additional vestments. The *Kohen Gadol* of additional vestments takes precedence over a *Kohen Gadol* who was removed from office on account of a seminal emission. An anointed *Kohen Gadol* who was removed from office on account of a seminal emission takes precedence over one who has been removed because of a blemish. He who has been removed on account of a blemish takes precedence over who was anointed for battle. He who was anointed for battle takes precedence over the Deputy *Kohen Gadol*. The Deputy *Kohen Gadol* takes precedence over the *Amarkal*.

Rav Chisda explained that *Amarkal* is he who said all things (an acronym; he was the one who gave the instructions in the Temple).

The *braisa* concludes: The *Amarkal* takes precedence over the Temple treasurer. The Temple treasurer takes precedence over the head of the watch. The head of the watch takes precedence over the head of the family. The head of the family takes precedence over an ordinary *Kohen*.

The *Gemora* inquires: With respect of *tumah* (through burying an unattended corpse), who takes precedence (and does not become *tamei* to the corpse); the Deputy *Kohen Gadol* or the *Kohen Gadol* anointed for battle?

Mar Zutra the son of Rav Nachman replied: Come and hear from that which has been taught in a *braisa*: If a Deputy *Kohen Gadol* and the *Kohen Gadol* anointed for battle were going on a road and came upon an unattended corpse, it is preferable that the *Kohen Gadol* anointed for battle shall become *tamei* rather than the Deputy *Kohen Gadol*; for if the *Kohen Gadol* will become disqualified (right before *Yom Kippur*), the Deputy *Kohen Gadol* steps in to perform the service instead (which he cannot do if he is *tamei*).

The *Gemora* asks: Has it not been taught in a *braisa*, however, that the *Kohen Gadol* anointed for battle takes precedence over the Deputy *Kohen Gadol*?

Ravina replied: That *braisa* deals with the issue of sustaining life. (13a)

Mishna

A *Kohen* takes precedence over a *Levi* (in every matter of honor); a *Levi* takes precedence over a *Yisroel*, a *Yisroel* takes precedence over a *mamzer* (product of forbidden relations upon punishment of death or *kares*); a *mamzer* takes precedence over a *Nasin* (descendants of the Gibeonites; people who fooled Yehoshua into allowing them to convert; Dovid HaMelech prohibited them from marrying into the congregation); a *Nasin* takes precedence over a convert; and a convert takes precedence over a freed Canaanite slave. (13a)

Sources

When does this apply? It is when they are all equal. But if the *mamzer* is a Torah scholar and the *Kohen Gadol* is ignorant, the *mamzer* who is a Torah scholar takes precedence over the ignorant *Kohen Gadol*. The *Gemora* explains the sources for the order of precedence:

Superior	Inferior	Reason
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<i>Kohen</i>	<i>Levi</i>	Aaron precedes Moshe in a verse
<i>Levi</i>	<i>Yisroel</i>	They are holier, for they perform service in the temple
<i>Yisroel</i>	<i>Mamzer</i>	<i>Yisroel's</i> genealogically pure
<i>Mamzer</i>	<i>Nasin</i>	<i>Mamzer's</i> descends from a Jew
<i>Nasin</i>	Convert	<i>Nasin</i> grew up with Jewish people
Convert	Freed slave	A convert was never categorized as "accursed"

The *Mishna* had stated that the order of precedence only applies when they are all equal.

Rabbi Acha the son of Rabbi Chanina cites the Scriptural source for this: *It (the Torah) is more precious than pearls*, i.e., the Torah is more precious than the *Kohen Gadol* who enters into the innermost sanctuary in the Temple.

It was taught in a *braisa*: Rabbi Shimon ben Yochai said: It stands to reason that a freed slave should take precedence over a convert, for the slave was brought up with us in sanctity and the convert was not; but (*the halachah is that the convert takes precedence*) since the slave was included in the curse while the convert was not.

Rabbi Elozar the son of Rabbi Tzadok was asked by his students: Why do people run to marry a convert while they are not willing to run to marry a freed slave? He answered them: The slave was included in the curse while the convert was not. Another explanation is that the convert is known to protect her chastity (*for she intends on converting*), whereas the slave is not (*for she cannot free herself*). (13a)

Dogs, Cats and Mice

Rabbi Elozar was asked by his students: Why does a dog recognize its owner while a cat does not? He answered them: If he who eats something of that from which a mouse has nibbled at forgets that which he knew, then the animal which eats the mouse itself, how much more so will it forget that which it knew!

Rabbi Elozar was asked by his students: Why do all other creatures persecute the mice? He answered: It is because of their evil nature.

Rava explained: They gnaw even at garments (*without deriving any pleasure from it*). Rav Pappa said: It is because they gnaw even at the handle of a spade (*without deriving any pleasure from it*). (13a -13b)

Forgetfulness and Remembering

The *Gemora* cites a *braisa*: Five things cause a person to forget his learning:

1. Eating something from which a mouse or a cat has nibbled at;
2. Eating the heart of an animal;
3. Frequent consumption of olives;
4. Drinking the remains of water that was used for bathing;
5. Washing one's feet one on top of the other;
Others say: He also who puts his clothes underneath his head.

There are five things that can restore one's learning:

1. Eating bread from the coals and how much more so the coals themselves;
2. Eating a slightly roasted egg without salt;
3. Frequent consumption of olive oil;
4. Frequent indulgence in wine and aromatic spices;
5. Drinking the water that has remained from dough;
Others say: Dipping one's finger in salt and eating it.

The *braisa* had stated: Frequent consumption of olive oil (*can restore one's learning*). This corroborates the view of Rabbi Yochanan who said: Just as (*the consumption of*) olives causes one to forget seventy years of learning, so does (*the consumption of*) olive oil restore seventy years of learning.

The *braisa* had stated: Frequent indulgence in wine and aromatic spices (*can restore one's learning*). This corroborates the view of Rava who said: Wine and aromatic spices have made me wise.

The *braisa* had stated: Dipping one's finger in salt and eating it (*can restore one's learning*). Rish Lakish said: It must be done with one finger only.

The *Gemora* notes: This is actually a matter of dispute between *Tannaim*: Rabbi Yehudah said: one finger but not two. Rabbi Yosi said: two but not three.

There are ten things that are harmful to one's learning:

1. Passing under the halter of a camel, and even more so under the camel itself;
2. Passing between two camels;
3. Passing between two women;
4. The passing of a woman between two men;
5. Passing under the offensive odor of a carcass;
6. Passing under a bridge, which water has not flowed for forty days;
7. Eating bread that was not completely baked;
8. Eating meat out of a grease spoon;
9. Drinking water from a stream that runs through a cemetery;
10. Gazing at the face of a corpse; Others say: Also one who reads the writing upon a grave. (13b)

Honor to a Nasi

The *Gemora* cites a *braisa*: When the *Nasi* enters, all the people stand up and do not sit back down until he requests them to sit. When the *Av beis din* enters, one row rises on one side and another row on the other side, and they remain standing until he has sits down in his place. When a Sage enters, one stands

and one sits until the Sage sits down in his place. Sons of Sages and students of Sages may, when the public needs their services, tread upon the heads of the people (*step over the heads of those sitting on the floor – although it is disrespectful, it was allowed, so they can leave and do their assignments*). If a scholar went out to relieve himself, he may reenter and sit down in his place. Sons of Torah scholar, whose father holds a position of leadership over the community may, if they possess the intellectual capability of understanding the lectures, enter and sit down before their father with their backs to the people. When, however, they do not possess the intellectual capability of understanding the lectures, they enter and sit down before their father with their faces towards the people. Rabbi Elozar the son of Rabbi Tzadok said: In a wedding feast as well, they are treated as attachments to their father.

The Master stated in the *braisa*: If a scholar went out to relieve himself, he may reenter and sit down in his place. RavPappa said: This applies only to urinating, but not to defecating (*where he cannot return to his seat*), since he should have examined himself beforehand; for Rav Yehudah said in the name of Rav: A person should always make a habit of rising early in the morning and to await evening in order to defecate, for this way, there would be no need for him to distance himself from others (*for the purpose of privacy*).

The *Gemora* notes: Nowadays, however, that people have become weaker, the same rule applies even for defecating.

Rabbi Elozar the son of Rabbi Tzadok had said: In a wedding feast as well, they are treated as attachments to their father. Rava said: This is applicable only during the lifetime of their father and in the presence of their father.

Rabbi Yochanan said: That instruction (*regarding when the Nasi enters*) was taught in the days of Rabbi Shimon ben Gamliel when he was the *Nasi*, Rabbi Meir the Sage and Rabbi Nassan the *Av beis din*. Whenever Rabbi Shimon ben Gamliel entered, everyone stood up for him; when Rabbi Meir and Rabbi Nassan entered, everyone stood up for them as well. Rabbi Shimon ben Gamliel said: Should there be no distinction between my honor

and theirs? And so he issued that decree. Rabbi Meir and Rabbi Nassan were not present on that day. When they came on the following day and saw that the people did not stand for them as usual, they inquired as to what had happened. They were told what Rabbi Shimon ben Gamliel had instituted. Rabbi Meir said to Rabbi Nassan: I am the Sage and you are the *Av beis din*. Let us institute something against him. Now, how are we to proceed against him? Let us request of him to expound upon the tractate of Uktzin with which he is unfamiliar, and as he will be unable to expound upon it, we shall then depose him from office, and I shall become *Av beis din* and you the *Nasi*.

Rabbi Yaakov ben Karshi overheard this conversation and said: This, Heaven forbid, may lead to the *Nasi's* disgrace. So he went and sat down behind Rabbi Shimon ben Gamliel's upper chamber, expounding the tractate of Uktzin, and repeating it again and again. Rabbi Shimon ben Gamliel said: What could this possibly mean? Did anything mischievous, Heaven forbid, happen at the study hall? He devoted his attention and familiarized himself with the Tractate. On the following day they said to him: Will the Master come and teach us Uktzin. He began and discoursed upon it. After he had finished he said to them: Had I not learned this (*yesterday*), you would have embarrassed me! He gave instructions and they were removed from the study hall.

Thereupon they wrote down their scholastic questions on a tablet which they threw into the study hall. That which were answered were answered, and as to those which were not answered, they wrote down the answers and threw them in. Rabbi Yosi said to them: The Torah is outside and we are within!? Rabbi Shimon ben Gamliel said to them: We shall allow them admittance, but impose upon them this penalty, that no teachings shall be reported in their names. As a result, Rabbi Meir was referred to as "Others," and Rabbi Nassan as "There are some who say."

In their dreams they received a message from Heaven to go and pacify Rabbi Shimon ben Gamliel. Rabbi Nassan went, but Rabbi Meir did not, for he said: Dreams are meaningless. When Rabbi Nassan came, Rabbi Shimon ben Gamliel said to him: The golden

belt of your father has indeed helped you to become *Av beis din*; shall we therefore appoint you the *Nasi* as well? (13b)

DAILY MASHAL

Horav Zalman Sorotzkin, z"l, offers an insightful response. Many people use the excuse of *parnassah*, the need to earn a living, as the reason for not designating time for *Torah* study. They are busy, involved, hard at work, under constant pressure. If they would only demonstrate the same resourcefulness for study as they do for making excuses, they would have sufficient time for *Torah* study. They, do, however, have a rationale, if not an excuse. What about the *Kohen* who has no worry about *parnassah*, who is to be involved in spiritual endeavor throughout the day? Why is he not involved in learning? How can he excuse himself from doing what he is assigned to do? He obviously has wasted his time, doing everything except what he was supposed to do. Such a person is a *shoteh*! Only a fool wastes his time. We are on this world for a purpose. If we take the precious time allotted to us and waste it, are we not being foolish?

Rabbi A. Leib Scheinbaum writes: While we do find the concept of a *Kohen am ha'aretz* regarding one who is not meticulous in following the laws of *tumah* and *taharah*, the basic notion of an illiterate *Kohen* is described as a *Kohen shoteh*.

This idea can be applied to all those who have time to study, but seek excuses to defer their obligation. They are not simply doing the wrong thing; they are actually foolish!