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Rabbinic Ordination

The *Gemara* had stated that rabbinic ordination must be done with three people, and not by one.

The *Gemara* challenges this: And one person cannot ordain another? But Rav Yehudah said in the name of Rav: There is a man who should be remembered for blessing — his name is Rabbi Yehudah ben Bava; were it not for him, the laws of fines would have been forgotten in Israel. The *Gemara* explains that to mean that those laws would have become abolished (*for there would not be any ordained judges*). For it once happened that the wicked government (*the Romans*) decreed that whoever rabbinically ordains another should be put to death, and whoever received ordination should be put to death, the city in which the ordination took place should be destroyed, and the boundaries of the city where it was performed should be eradicated. What did Rabbi Yehudah ben Bava do? He went and sat between two great mountains (*that could not be uprooted*), and between two large cities; between the *Shabbos* boundaries of the cities of Usha and Shifarum, and there, he ordained five elders. And they were: Rabbi Meir, Rabbi Yehudah, Rabbi Shimon, Rabbi Yosi and Rabbi Eliezer ben Shamua. Rav Avya adds Rabbi Nechemyah in the list. As soon as their enemies discovered them, Rabbi Yehudah ben Bava told them to flee. They asked him, “Teacher, what will become of you?” He replied to them, “I lay before them like a stone which cannot be overturned.” It was said that the enemy did not leave the spot until they had driven three hundred iron spears into his body, making him like a sieve. [*Evidently, even one can ordain others!?*]

The *Gemara* answers: There were others with Rabbi Yehudah ben Bava, but in respect to him, they were not mentioned.

The *Gemara* asks: Was Rabbi Meir indeed ordained by Rabbi Yehudah ben Bava? Did not Rabbah bar Chanah say in the name of Rabbi Yochanan that he whoever says that Rabbi Meir was not ordained by Rabbi Akiva is certainly mistaken?

The *Gemara* answers: Rabbi Akiva had indeed ordained him, but the ordination was not accepted (*for Rabbi Meir was extremely young*), while Rabbi Yehudah ben Bava ordained him later, and it was accepted. (13b4 – 14a1)

Rabbi Yehoshua ben Levi said: There is no ordination outside *Eretz Yisroel*. The *Gemara* asks: This cannot mean that they have no authority to adjudicate cases of fines outside *Eretz Yisroel* (*even with judges that have been ordained in Eretz Yisroel*), for we have learned in a *Mishnah*: The *Sanhedrin* (*of twenty-three*) functions both within and without *Eretz Yisroel* (*to judge capital cases and fines*)!? The *Gemara* answers: It means that ordination cannot be performed outside *Eretz Yisroel*.

The *Gemara* notes: It is obvious that if those conferring ordination are outside *Eretz Yisroel* and those to be ordained are in *Eretz Yisroel*, then surely, as has been said, they cannot be ordained (*for it is easier to confer ordination on someone in his presence than in his absence*). But, the *Gemara* inquires, what if those conferring ordination are in *Eretz Yisroel*, and those to be ordained are outside? The



Gemara resolves this from the following: Rabbi Yochanan was upset when Rav Shemen bar Abba was not with them (*in Eretz Yisroel*) to receive his ordination.

It was also related that Rabbi Shimon bar Zirud and another who was with him, and that was Rabbi Yonasan bar Achmai, or according to others it was Rabbi Yonasan bar Achmai and another who was with him, and that was Rabbi Shimon bar Zirud, that the one who was with them was ordained (*by Rabbi Yochanan*), and the other, who was not, was not ordained. [Evidently, ordination cannot be conferred on someone when he is not present.] (14a1 – 14a2)

Rabbi Yochanan was eager to ordain Rabbi Chanina and Rabbi Hoshaya, but it could not be realized (*for when he was with them, he could not find two others to make a Beis din with and ordain them*), and it bothered him very much. They told him, “Master, do not grieve, for we are descendants of the house of Eli (and it is derived from a Scriptural verse that descendants of the house of Eli are not to be ordained), for Rabbi Shmuel bar Nachman, quoting Rabbi Yonasan, said: From where do we learn that none of the house of Eli are destined to be ordained? — From the verse: And there shall be no zaken [elder] in your house for all days. What does the word ‘zaken’ mean [here]? Shall we say, literally, ‘an old man’, but it is written [immediately after], and all the grown children of your house shall die [young] men! — It must therefore refer to ordination.

Rabbi Zeira used to hide himself to avoid ordination, because Rabbi Elozar had said: A person should remain obscure, for then he will live. But later, having heard yet another saying of Rabbi Elozar that one does not attain a position of greatness unless all his sins are forgiven, he himself made every effort to obtain it. When they ordained him, the people sang before him, “no eyeliner, no rouge, no braids, and yet, she radiates grace.”

When the Rabbis ordained Rabbi Ami and Rabbi Assi, they sang as follows: Only men as these, only men as these, ordain for us, but do not ordain for us any of the “*sarmitin*” (*rags; people who cannot provide proper reasoning for their words*) and “*sarmisin*” (*people who distort the reasons of the Torah*), or as some say, “*machmisin*” (*people who hold back from saying the reasons of the Torah*) or “*miturmisin*” (*empty-headed people*).

When Rabbi Avahu would go from the *Beis Medrash* to the Caesar’s house, the ladies of the Caesar’s household went out to receive him and sang about him, “Prince of his people, leader of his nation, lantern of light, your coming should be blessed with peace.” (14a2 – 14a3)

Eglah Arufah

The *Mishnah* had stated: Breaking the heifer’s neck (*i.e., if a person is found slain in a field, and the identity of the murderer is not known, the Torah writes, “Then your elders and your judges shall come forth, and they shall measure unto the cities which are round about him that is slain” (Devarim 21:2), and the city which is closest to the slain person brings a heifer whose neck is broken*) – by three judges; so said Rabbi Shimon. But Rabbi Yehudah says - by five.

The *Gemara* cites a *Baraisa*: *Your elders - two, and your judges* – another two; and as a court may not be composed of an even number, they would add one more. This proves that five judges are needed; these are the words of Rabbi Yehudah. Rabbi Shimon says: *Your elders - two*, and as a court may not be composed of an even number, they would add one more. This proves that three judges are needed.

[The *Gemara* discusses what each *Tanna* does with the other *Tanna*’s verse.] Now, according to Rabbi Shimon, what purpose is served by the words ‘your judges’? — It is needed, in his view, to indicate the necessity of choosing the most distinguished of ‘your judges. And Rabbi



Yehudah? — [He deduces it] from the pronominal suffix [appended] to ‘zaken.’ And Rabbi Shimon? — [He maintains:] Had ‘elders’ [alone] been written, I might have said that it refers to [any] old men of the street. Hence the Torah says: ‘your elders’. Yet had ‘your elders’ [alone] been written, I might have said that it refers to [the members of] the lesser Sanhedrin (of twenty-three). Therefore, Scripture wrote, ‘your judges’, to indicate that the reference is to the most distinguished of ‘your judges’. And Rabbi Yehudah? — He derives this from a gezeirah shavah using the word elders [as used here] and in the verse: And the elders of the congregation shall lean their hands [on the head of the sacrifice]. Just as there, the most distinguished of the congregation [are necessary], so here, too, the most distinguished of your elders [are required]. But if this deduction be made, let us infer everything from that passage, and what need then is there for ‘your elders’ and ‘and your judges’? — But [we should say: In Rabbi Yehudah's opinion,] the [superfluous] ‘vav’ [and] of, and your judges, intimates the number. And Rabbi Shimon? — He does not employ the conjunction ‘vav’ for interpretative purposes.

But according to this line of argument, we might further deduce from the clauses, and they shall come forth, and, and they shall measure — each indicating two — that nine should be required, in Rabbi Yehudah's opinion, and seven in Rabbi Shimon's? — But these clauses are necessary, as it has been taught in the following Baraisa: And they shall come forth, [meaning,] they, and not their deputies. And they shall measure; in all circumstances, even when the corpse is found at the entrance of a town, measurement must be made. (14a3 – 14b1)

The Gemara notes: Our Mishnah (which did not require any others to be present during the measuring) is unlike the opinion of Rabbi Eliezer ben Yaakov in the following Baraisa. Rabbi Eliezer ben Yaakov says: “Your elders” refers to the Sanhedrin (High Court of seventy-one elders that sat in a special chamber in the Beis Hamikdash). “Your judges”

refers to the king and *Kohen Gadol*. A king is referred to as a judge, as the verse states, “A king with judgment establishes the land.” A *Kohen Gadol* is compared to a judge as the verse states, “And you will come before the Kohanim and Leviim, and the judge.”

The Gemara inquires: Does Rabbi Eliezer ben Yaakov differ from the Mishnah in one thing, or in two? The Gemara explains: Is Rabbi Eliezer ben Yaakov only arguing regarding the fact that he holds that the king and *Kohen Gadol* must also go? Or is he also arguing that the entire Sanhedrin must go (not merely three or five of them as stated in our Mishnah by Rabbi Shimon and Rabbi Yehudah)?

Rav Yosef attempts to resolve this from a Baraisa. The Baraisa states: An elder who refutes a halachic ruling of the Sanhedrin meets the Sanhedrin at Beis Pagi (in Yerushalayim, but not where they would normally sit for judgment), and he does not listen to their ruling. One might think this is enough to classify him as a *Zaken Mamrei* (elder who issues halachic rulings opposite those of the Sanhedrin even though Sanhedrin has told him he is wrong). The verse therefore states, “And you will get up and go up to the place.” This tells us that the place (where the Sanhedrin normally holds court by the Beis Hamikdash) is essential in the ruling of a *Zaken Mamrei*. [This means that unless Sanhedrin tells him he is wrong in their normal place where they sit, he is not classified as a *Zaken Mamrei*.]

Rav Yosef asks: How many of Sanhedrin left (and went to Beis Pagi)? If only some of them went, it is possible that the others agree with the *Zaken Mamrei* (and therefore it is clear he cannot be classified as a *Zaken Mamrei*)! It is therefore obvious that all of them must have left their regular area where they hold court. Why did they leave? If it was for a regular (non-mitzvah) purpose, are they all allowed to leave? Doesn't the verse say, “Your navel (meaning the Sanhedrin) is like a moon-shaped basin (referring to the half-circle shape of the Sanhedrin), it



should not stop giving drink (*Sanhedrin should always be there teaching Torah*).” This verse teaches that if one of the judges has to leave for a mundane matter, he must ascertain that there are at least twenty-three left like the size of a small *Sanhedrin*. If there are not, he may not leave. [This is derived from the words “*Al Yechsar Hamazeg*” – “it should not stop giving drink.” Being that *mezigah* also means mixing water and heavy wine, and the amount is usually a ratio of one part wine to two parts water, the “*mazeg*” is considered the part wine that must stay. This means that two thirds of the *Sanhedrin* may leave, but not more. This is why twenty-three judges must stay out of seventy-one.]

Accordingly, Rav Yosef says, if the entire *Sanhedrin* met this person, it must have been that they left their place for a *mitzvah*! What *mitzvah* do they have to leave for? It must be *eglah arufah*, and the *Baraisa* must have been authored by Rabbi Eliezer ben Yaakov!

Abaye answers: No, it is possible that they left their normal place in order to formally add more space onto Yerushalayim and the courtyards of the Beis Hamikdash. This is as stated in the *Mishnah* that this cannot be done without the entire *Sanhedrin*.

There is a *Baraisa*, however, that indeed is clearly like Rav Yosef suggested. The *Baraisa* states: An elder who refutes a *halachic* ruling of the *Sanhedrin* meets the *Sanhedrin* at Beis Pagi and does not listen to their ruling. For example, the *Sanhedrin* might have left to measure regarding *eglah arufah* or add onto Yerushalayim and the courtyards of the Beis Hamikdash. One might think this is enough to classify him as a *Zaken Mamrei*. The verse therefore states, “*And you will get up and go up to the place.*” This tells us that the place is essential in the ruling of a *Zaken Mamrei*. (14b1 – 14b2)

Redemption by Three Judges

The *Mishnah* had stated: *Neta reva'i* (the fruit that grows from a tree in its fourth year; it must be brought to be eaten in Yerushalayim, or it can be redeemed and the money used in Yerushalayim to buy food), and *ma'aser sheni* (a tenth of one's produce that he brings to Yerushalayim and eats there in the first, second, fourth and fifth years of the *Shemita* cycle; it can also be redeemed with money and the money is brought up to Yerushalayim, where he purchases animals for *korbanos*) whose value is not known (and he wishes to redeem them), is judged by three.

The *Gemara* cites a *Baraisa*: What kind of *ma'aser sheni* has no established price? Decayed fruit, wine that has grown sour and rusty coins.

The *Gemara* cites a *Baraisa*: The *ma'aser sheni* that has no established price is to be redeemed by the appraisal of three experienced dealers, but not by three who are not dealers. Even a gentile or the owner may be amongst the appraisers.

Rabbi Yirmiyah inquired: Can three business partners (*who place their earnings into one purse*) be the appraisers? The *Gemara* attempts to resolve this from a *Baraisa*: A man and his two wives may redeem the *ma'aser sheni* of unknown value (*according to their appraisal*). The *Gemara* rejects the proof: Perhaps it is referring to a case such as that of Rav Pappa and his wife, the daughter of Abba from Suraah (*who chose to keep her earnings and not be supported from her husband; they were therefore not regarded as partners*). (14b3)

The *Mishnah* had stated: The redemption of the Temple property must be done by three judges. [*The Mishnah continued: Lands (belonging to hekdesch) - by nine and a Kohen (to determine their value in order to redeem them).*]

The *Gemara* notes: The *Mishnah* is not in accordance with Rabbi Eliezer ben Yaakov, whose opinion is cited in the following *Baraisa*: Rabbi Eliezer ben Yaakov said that even



a spinning fork of the Temple property requires ten people (to appraise it) for its redemption.

Rav Pappa said to Abaye: Rabbi Eliezer ben Yaakov opinion is understandable based upon Shmuel's dictum. For Shmuel said: There are ten Biblical references to *Kohen* in the passage dealing with the redemption of Temple property (and therefore ten are required even by movables). But where do the Rabbis learn that only three are required? And if you will answer that it is because the word *Kohen* appears three times in relation to the redemption of consecrated movable objects, then since with reference to land redemption - the word appears four times, let four people be sufficient? And that cannot be so, for we have learned in our *Mishnah* that ten are required when redeeming land!? And if you will say that this is because with these verses (which are the last in the passage), the ten references are completed, then should not the other consecrated (movable) objects, with the section on which six such references are completed, require six appraisers? The *Gemara* notes: The difficulty was not resolved. (14b3 – 14b4)

DAILY MASHAL

Keep Far from a Lie

The *Gemara* related: Rabbi Zeira used to hide himself to avoid ordination, because Rabbi Elozar had said: A person should remain obscure, for then he will live. But later, having heard yet another saying of Rabbi Elozar that one does not attain a position of greatness unless all his sins are forgiven, he himself made every effort to obtain it. When they ordained him, the people sang before him, "no eyeliner, no rouge, no braids, and yet, she radiates grace."

A Torah scholar pleaded with Rabbi Aryeh Leib Shapira, the Rabbi of Kovno, to give him a certificate of rabbinical ordination. At first he refused but eventually gave in to the young man's pleading and started to write the certificate.

He then used the customary wording but left a long space before signing his name. "What are you wondering about?" he asked the other *dayanim*, "After all, the Torah says, Keep far from a lie" (*Emunas HaTehiyah*).

HALACHAH ON THE DAF

Kichul, Pirkus and Serak

The *Gemara* mentions that when they ordained Rav Zeira, they lauded his greatness, and they expressed themselves with the same words that was used in the time of the *Gemara* to praise a bride, "without *kichul*, without *serak*, without *pirchus*, and yet she is still full of *chein*", meaning that without adding any embellishments to Rav Zeira, he was still a great scholar. Rashi defines; *kichul* - makeup for the eyes, *serak* - makeup for the face, *pirchus* - braiding the hair. Tosfos points out that Rashi in *Kesuvos* (4b) learned that *pirchus* is really *serak*.

Understanding the exact meaning is not just academic, for there are *halachic* differences.

1) The above mentioned *Gemara* in *Kesuvos* discusses that a woman, when either she or her husband is in mourning, may not do *kichul* and *pirchus*. For a married woman this only applies during *shivah* (the seven days of mourning), but after that, she may do so in order that she should not be *misganeh al baalah* (repulsive in the eyes of her husband) (*Yoreh De'ah* 381:6).

2) A bride that is in mourning may do *kichul* and *pirchus* for up to thirty days after her wedding, even during *shivah* (*ibid*).

3) A girl that has reached marriageable age, and she is in mourning, may too do *kichul* and *pirchus* (*ibid*).