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Sanhedrin Daf 4

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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

Pronounced or Written Form

Rav Yitzchak bar Yosef said in the name of Rabbi Yochanan: Rebbe, Rabbi Yehudah ben Roeitz, Beis Shammai, Rabbi Shimon and Rabbi Akiva all hold that the way a word is pronounced is determinant in Biblical exposition (*yeish eim lamikra*).

The fact that Rebbe holds like this can be proven from the *Gemora* mentioned above (*for even though “yarshiun” is spelled without a “vav,” he still expounds it in its plural form to prove that five judges are necessary for monetary cases*).

The fact that Rabbi Yehudah ben Roeitz holds like this can be proven from the following *braisa*: [A woman who gives birth to a girl is *temei’ah* for the next fourteen days. After she immerses in a *mikvah*, any bleeding, for the next sixty-six days does not make her *tamei*. A woman who gives birth to a boy is *temei’ah* for the next seven days. After she immerses in a *mikvah*, any bleeding, for the next thirty-three days does not make her *tamei*.] The disciples of Rabbi Yehudah ben Roeitz asked him: Why not read *shiveim* (seventy) instead of *shevuayim* (two weeks) which will mean that if a woman gives birth to a girl, she will be *temei’ah* for seventy days? He answered: The Torah has fixed the period of purity and impurity in the case of a male child and it has fixed the period of purity and impurity in case of a female child. Just as the

period of purification (*where any bleeding in those sixty-six days will not make her tamei*) after the birth of a female child is double that after the birth of a male child (*where it is only for thirty-three days*), so must the period of impurity after the birth of a female child be no more than double that after the birth of a male child (*which is only seven days; and therefore, we derive that it is only fourteen days*). After they left him, he went after them and said, “You have no need for that explanation since the way a word is pronounced is determinant in Biblical exposition (*and we read it shevuayim - two weeks*).

The fact that Beis Shammai holds like this can be proven from the following *Mishna*: Beis Shammai said: If the blood of sacrifices that is to be applied on the outer Altar (*such as the blood of an olah, shelamim or asham – which require two applications that constitute four – for it is sprinkled on two corners and then spreads onto all four sides*) was applied only once, it has effected atonement (*the offering is valid*). In the case of a *chatas* offering, however, they hold that two applications are required. Beis Hillel holds that in the case of a *chatas* offering as well, a single application effects atonement. And Rav Huna said: What is Beis Shammai’s reason for their opinion? It is that the plural “*karnos*” (*horns of the Altar*) is written three times in this context denoting six. They understand as follows: four “*karnos*” indicate the prescribed procedure, and the other two teach us that two applications are indispensable. [Evidently, Beis Shammai holds that the way a word is pronounced is

determinant in Biblical exposition, and therefore each of the words can be expounded in the plural form even though two of them are written without a “vav.”] But Beis Hillel say that since “karnos” is twice written without the “vav”, only four applications are implied. Three of them indicate the prescribed procedure, and the last one teaches us that one application is indispensable.

The Gemora asks: But why not argue that all the four are for the prescribed procedure (and the sacrifice will be valid even without any applications)?

The Gemora answers: We do not find atonement effected without anything.

The fact that Rabbi Shimon holds like this can be proven from the following braisa: The Chachamim maintain that a sukkah requires two complete walls and a third wall that is at least a tefach (handbreadth) long. Rabbi Shimon, however, maintains that a sukkah requires three walls and a fourth wall that must be at least a tefach. The Gemora explains the dispute: The Chachamim hold that that the way a word is written (lamesores) is determinant in Biblical exposition, while Rabbi Shimon holds that the way a word is pronounced is determinant. The Chachamim, holding that that the way a word is written is determinant, argue that as the word “basukkos,” which occurs three times, is written once in the plural (with a “vav”) and twice without a “vav,” totaling in all four references. So, subtracting one as required for the mitzvah itself (of sitting in a sukkah), we are left with three. The Halachah le’Moshe mi’Sinai comes and reduces the third (wall) and establishes it at a tefach. Rabbi Shimon, however, is of the opinion that the way a word is pronounced is determinant and consequently all the three “basukkos” are to be read in the plural, making a total of six. One of

these (words) is required for the mitzvah itself, leaving four references. The Halachah le’Moshe mi’Sinai comes and reduces the fourth (wall) and establishes it at a tefach.

The fact that Rabbi Akiva holds like this can be proven from the following braisa: Rabbi Akiva said: How do we know that a revi’is (quarter-log) of blood, which emerges from two corpses will transmit tumah through tumas ohel (if the tumah source and a person or object is under the same roof)? It is said: He shall not approach any dead body. The plural “nafshos” translated as body indicates that even if the blood issued from two bodies, it can transmit tumah, but the Chachamim argue that it is written nafshas - without the “vav” (which is singular, indicating that a revi’is of blood can only transmit tumah if it issues from one corpse).

Rav Acha bar Yaakov asks: Is there anyone that does not maintain that the way a word is pronounced is determinant in Biblical exposition? But it was taught in a braisa: You shall not cook meat in the milk of [bachalev] its mother. Perhaps it should be read bechelev (in the fat of; and it would only be forbidden to cook meat with fats, but it would be permitted to cook meat with milk)!? Evidently, the way a word is pronounced is determinant in Biblical exposition (and since it is pronounced “bachalev,” meaning milk, we learn that it’s forbidden to cook meat with milk)!?

Rather, they all agree that the way a word is pronounced is determinant, but Rebbe and the Chachamim differ regarding the following: Rebbe holds that “yarshiun elohim” refers to two judges other than those prescribed in the previous verse (and since we cannot have an even-numbered Beis Din, we add one totaling five); while the Chachamim maintain that “yarshiun” refers to those judges mentioned in the previous verse

(so we have a total of two, and since we cannot have an even-numbered Beis Din, we add one totaling three).

The *Gemora* explains how all the *Tannaim* mentioned above hold that the way a word is pronounced is detriment. The *Chachamim* do not differ with Rabbi Yehudah ben Roeitz (regarding the amount of days of *tumah* for a woman who gives birth to a girl).

And Beis Hillel as well (who holds that one application on the Altar is sufficient to effect atonement by a *korban chatas* – it is not because he holds that the way a word is written is detriment in Biblical exposition, but rather, it is based upon the following *braisa*); it was taught in a *braisa*: “*Vechieper*” (the *Kohen* effects atonement by the *korban chatas*) is repeated three times to indicate that even one application effects atonement; for without its repetition, we would have derived through an that four applications were necessary. But perhaps we could have made the following analogy? The use of blood is mentioned below the line (*chut hasikra; there was a red line that around the altar; it separated the top half of the altar from the bottom half; the blood from a korban olah, shelamim and asham was applied here*) and the use of blood is mentioned above the line (*where the blood from a korban chatas would be applied*). Just as in the case of the blood to be applied below the line, one application effects atonement (even according to Beis Shammai) so should it be with the blood to be applied above the line.

Or perhaps, the analogy should be as follows: Sprinkling blood is prescribed for sacrifices offered on the Outer Altar (such as a *korban chatas*) and also for those offered on the Inner Altar (the *Kohen Gadol's chatas* or the *bull chatas* brought for communal error). Just as in the case of those offered on the Inner Altar, atonement is not effected at all if one of the applications has been omitted, so should it be with sacrifices offered on the

Outer Altar – if any of the applications would be omitted, the *Kohen* has accomplished nothing at all!

The *braisa* attempts to determine which analogy is better: Let us see to which it is to be compared. Comparisons should be made to the sacrifices offered on the Outer Altar (the *chatas*) from sacrifices offered on the Outer Altar (*olah, shelamim and asham*), and we should not compare sacrifices offered on the Outer Altar from sacrifices offered on the Inner Altar (and therefore, each and every application would not be essential). Or perhaps, we should say as follows: We can compare a *korban chatas*, the blood of which is applied on the four horns of the (Outer) Altar from another *korban chatas* (such as those where the blood is applied on the Inner Altar), the blood of which is applied on the four horns (and then we would be deriving that every single application is essential), but no proof can be brought from a sacrifice (*olah, shelamim and asham*) which is not a *korban chatas* and they do not have their blood sprinkled on the four horns of the Altar (rather, they are applied to two corners of the altar on its side). [It emerges that we can learn from an *olah, shelamim and asham* that each and every application is not essential, and we can learn from the *chatas* sacrifices whose blood is applied on the Inner Altar that every single application is essential.]

The Torah therefore found it necessary to have “*vechieper*” repeated three times to indicate that atonement is effected even with only three applications, (and the second time teaches us that) even with only two applications, (and the third time teaches us that) even with only one application. [This is Beis Hillel's reasoning – not because he holds that the way a word is written is detriment in Biblical exposition.]



Now as to Rabbi Shimon and the *Chachamim*, their point of issue between them is the following: Rabbi Shimon holds that the *s'chach* (cover) for a *sukkah* needs no Scriptural verse (for without the *s'chach*, it is not a *sukkah* at all), while the *Chachamim* maintain that a special verse is necessary for the *s'chach*. [The dispute has nothing to do with the word "*sukkos*," and the amount of times it is spelled with or without a "vav."]

And as to Rabbi Akiva and the *Chachamim*, they disagree regarding the following: According to Rabbi Akiva, "*nafshos*" denotes two bodies (and therefore, a *revi*'s of blood that emerges from two corpses will transmit *tumah*), whereas the *Chachamim* say that "*nafshos*" is referring to all corpses in the world. [The dispute has nothing to do with the word "*nafshos*" being spelled without a "vav."]

The *Gemora* asks: And does everyone indeed hold that the way a word is pronounced is determinant in Biblical exposition? But it was taught in the following *braisa*: *Letotafos* (*tefillin* placed on the head) occurs three times in the Torah, twice without a "vav" and once with a "vav," - four in all. This teaches us that four compartments are to be inserted in the (*head*) *tefillin*. This is the opinion of Rabbi Yishmael. Rabbi Akiva, however, maintains that there is no need for that explanation, for the word *totafos* itself implies four, since it is composed of the word *tot* which means two in Caspi, and *fos* which means two in Afriki!? [Evidently, Rabbi Yishmael looks at the way the word is written!?!]

Rather, in reality, it is a dispute whether the way a word is pronounced is always determinant in Biblical expositions, but this is true only of cases where the pronounced word and the written word are different from each other. However, by *chaleiv* (meaning milk) and *cheilev* (meaning fats), where there is no change in

the spelling, the way the word is pronounced is determinant.

The *Gemora* asks: But does not the text "*yir'eh*" – "*He shall see*" and "*yeira'eh*" -- "*He shall be seen*," where there is no difference in the spelling, and nevertheless, there is a dispute!?! For it was taught in a *braisa*: Rabbi Yochanan ben Dahavai said in the name of Rabbi Yehudah ben Teima: A person who is blind in one eye is exempt from the *mitzvah* of *re'iyah*. The Torah writes: *All men shall see Hashem* (during the pilgrimage festival); these words are pronounced: *All men shall be seen by Hashem*. This teaches us: The same manner that Hashem sees (*the pronounced form*) the people who come to the Beis Hamikdash with His two eyes, so too, He comes to be seen (*the written form*) by the people with their two eyes.

Rather, Rav Acha, the son of Rav Ikka says: The verse states. *You shall not cook a kid in its mother's milk*. It is a method of cooking that the Torah forbids (*meat with milk is "cooking"; meat with fats is "frying"*). (4a – 4b)

DAILY MASHAL

"Eim" or "Av"?

Rav Yitzchak bar Yosef said in the name of Rabbi Yochanan: Rebbe, Rabbi Yehudah ben Roeitz, Beis Shammai, Rabbi Shimon and Rabbi Akiva all hold that the way a word is pronounced is determinant in Biblical exposition (*yeish eim lamikra*).

The Rif was questioned as to why the *Gemora* uses the word *eim*, which means mother, and not *av*, which means father. A similar question would be that the *Gemora* refers to one of the thirteen principles of



Biblical hermeneutics as a *binyan av* and not a *binyan eim*.

The Rif initially responded that he never heard anyone shed light on this matter, but then he proceeded to offer a possible explanation. When the purpose of a principle is to teach a concept in a different area, the *Gemora* uses the term *av*, whereas if the discussion at hand is regarding relying on a principle, the *Gemora* uses the word *eim*.

Shearim Mitzuyananim B'Halacha explains the words of the Rif. The mother is the *akeres habayis*, the mainstay of the house as it is said *every honorable princess dwelling within*. For this reason we say *yeish eim lemikra* or *yeish eim lemasores*, as the mother is the central figure in the house and it is the mother who everyone is dependant upon. The father, on the other hand, is not usually found in the house, as he leaves the house to seek a livelihood. The principle of a *binyan av*, however, is that we are building from one location to another, and this is analogous to a father who influences others. (See *Rabbeinu Bachye to Devarim 33:8 for further discussion on the differences between the father and mother.*)

HALACHAH ON THE DAF

The Parshios of Tefillin

Letotafos (*tefillin placed on the head*) occurs three times in the Torah, twice without a “*vav*” and once without a “*vav*,” - four in all. This teaches us that four compartments are to be inserted in the (*head*) *tefillin*. This is the opinion of Rabbi Yishmael. Rabbi Akiva, however, maintains that there is no need for that explanation, for the word *totafos* itself implies four, since it is composed of the word *tot* which means two in Caspi, and *fos* which means two in Afriki.

In both the *shel rosh* (*head tefillin*) and *shel yad* (*arm tefillin*), there are the same four passages written in them; the only difference between them is that in the *shel rosh* each *bayis* (*compartment*) contains one passage, while in the *shel yad* all four passages are written in the same *bayis* on one piece of parchment. (Orach Chaim 32:2). Furthermore, these four passages must be written in order as it appears in the Torah which is *Kadesh, V'hayah ki yi'vi'achah, She'ma, V'hayah im shamo'a*, and if they aren't, the *tefillin* are invalid. (ibid 32:1).

There is a well known disagreement between Rashi and Rabbeinu Tam as to what is the correct order of the passages: Rashi holds that it is *Kadesh, V'hayah ki yi'vi'achah, She'ma, V'hayah im shamo'a*, starting from left to right. Rabbeinu Tam maintains that *V'hayah im shamo'a* goes before *She'ma*. The Shulchan Aruch rules in accordance with Rashi (ibid. 34:1). The Mishnah Berurah points out that Rabbeinu Tam is not arguing on the order that it must be written, rather, only on the order that it needs to be placed in the compartments.

The Bach quotes the S'mag and Mordechai, who reported that a pair of *tefillin* were found in the grave of Yechezkel Hanavi, and the passages appeared in the order of Rashi. Some do not consider this as proof that the ancient *tefillin* were in fact made according to the opinion of Rashi, since it might have been buried precisely because it was out of order. The Bach rejects this answer, since they could have simply switched it back to the proper order, as we learned that it is only the placing out of order in the compartments that invalidates the *tefillin*.