



This month's Daf Digest is dedicated  
לכבוד the Wedding of Yosef and Shoshana Sokolin  
And לעלוי נשמת Israel Isser Ben Tzion ben Yaakov whose yahrtzeit is on 19 Iyar

## OVERVIEW of the Daf

### 1) The "sin" of the sons of Shmuel

R' Shmuel bar Nachmani stated in the name of R' Yonson that one who says that the sons of Shmuel sinned by perverting justice is mistaken. Shmuel would travel around the country to judge people in their cities whereas his sons stayed in their cities to increase the income of their attendants and scribes.

A Baraisa quotes a dispute between Tannaim whether the sons of Shmuel were guilty of perverting justice.

### 2) The "sin" of Dovid HaMelech

R' Shmuel bar Nachmani stated in the name of R' Yonson that one who says that Dovid HaMelech sinned by committing adultery with Bassheva is mistaken because he only wanted to sin but in fact he did not.

Rav quotes Rebbi, a descendant of Dovid HaMelech, who explains how the words of rebuke offered by Noson HaNavi do not prove that Dovid HaMelech committed adultery.

Abaye the Elder notes an irreconcilable contradiction between two statements of Rav. One time Rav said the only sin committed by Dovid HaMelech was how he dealt with Uriah, and another time he said that Dovid HaMelech was guilty of accepting Lashon Hara.

The issue of whether Dovid HaMelech accepted Lashon Hara about Mifeboshes is disputed between Rav, who asserts that he did, and Shmuel, who maintains that he did not.

Rav Yehudah states in the name of Rav that as punishment for Dovid HaMelech believing the Lashon Hara about Mifeboshes, the kingdom was split, the Jewish People worshipped idols and were exiled from the land.

### 3) The "sin" of Shlomo HaMelech

R' Shmuel bar Nachmani stated in the name of R' Yonson that one who says that Shlomo HaMelech sinned by worshipping idolatry is mistaken. The pasuk that indicate that Shlomo HaMelech's wives led him to worship idolatry should be understood to mean that they tried to turn his heart to idolatry but he didn't follow. Similarly, the pasuk that indicates that Shlomo HaMelech built an altar to idolatry should be understood to mean that he wanted to build an altar but he never actually built the altar.

R' Yehudah in the name of Shmuel revealed the consequences of Shlomo HaMelech's marriage to the daughter of Pharaoh. In a similar fashion, a Baraisa reveals the consequence of Yeravam's placement of two golden calves in the Land of Israel.

### 4) The "sin" of Yoshiyahu HaMelech

R' Shmuel bar Nachmani stated in the name of R' Yonson that one who says that Yoshiyahu HaMelech sinned is mistaken. The pasuk which states that Yoshiyahu HaMelech repented, thereby implying that he sinned, teaches that he reimbursed the losing parties in all the cases that he judged before he was eighteen years old.

Rav disagrees and maintains that Yoshiyahu in fact repented for sins that he committed and his repentance was virtually unparalleled.

הדרן עלך במה בהמה

## Gemara GEM

### The Sins of Giants

כל האומר שלמה חטא אינו אלא טועה

Our Gemara presents a series of puzzling statements which intimate that the sins attributed in Tanach to Reuven, the sons of Eli, the sons of Shmuel, Dovid HaMelech and Shlomo HaMelech were not actually committed. The wording in each case is: Whoever says that Reuven...the sons of Eli, etc. sinned is completely mistaken. This means that whoever thinks that these men sinned according to his own standards is completely mistaken. In other words, he has misunderstood the simple meaning of the text. This Gemara is discussed in great detail in Michtav MeEliyahu, by Rabbi Eliyahu Dessler (Vol. 1, P 161-166). We will present a short selection of his thoughts.

We often hear someone talk about "an injustice" or "an outrage." We can have no idea of the kind or degree of wrongdoing that is being referred to unless we know something about the character and moral standards of the speaker. Everyone has his own evaluation of wrongdoing.

The Torah's standards are certainly the highest possible. It is high above all human prejudice and its judgments represent the absolute truth.

Therefore, we should realize that the way the Torah perceives sin is extremely subtle. For example, the Torah tells us that Moshe and Aharon committed a sin at the Waters of Meriva, for which their punishment was not to enter Eretz Yisroel. Yet, the Torah commentators have been unable to agree on precisely what they did wrong to deserve such severe condemnation. We must, then, look for their sin not in the sphere of action, but in the innermost recesses of the heart, bearing in mind the high spiritual level expected of these people. Their act revealed a very subtle fault for who they were. For us to say that they sinned according to our standards would be completely wrong.

We have to know that the language which the Torah uses to describe the sins of its great ones follows its own standards. Our

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## REVIEW and Remember

1. Why was Dovid HaMelech's relationship with Bas-Sheva or adulterous?  
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2. Why did Uriah deserve to be killed?  
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3. Who is called "Quarreler, the son of a quarreler"?  
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4. What was the consequence of Shlomo HaMelech's marriage to the daughter of Pharaoh?  
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# HALACHAH Highlight

## Eighteen and older only

שכל דין שדן מבין שמונה עד שמונה עשרה החזירן להן

The Yerushalmi<sup>1</sup> deals with the age qualifications of a judge. "Rabbi Abahu in the name of Rabbi Yochanan said: Although a person is below twenty, and he has not shown any signs of puberty, he may still judge monetary cases, but not capital cases." Rabeinu Yerucham and the Tur conclude from this statement that, in fact, beginning at age thirteen, even though a boy has not shown signs of puberty, he may serve as a judge in monetary cases. Bach goes so far as to say that, technically, a brilliant boy who is competent and familiar with the laws, may participate as a member of a beis din even as a minor. However, the rabbis require that he be at least thirteen, so that he appears to be the age and status of majority.

Rabeinu Yerucham<sup>2</sup> brings an opinion of the Geonim that a young man less than eighteen years of age may not sit as a member of a beis din that judges monetary cases. This opinion is cited by the Tur<sup>3</sup>. This is based upon the statement in our Gemara that when Yoshiyahu realized that he might have erred in his earlier judgments, he returned all monies to the losing party in all cases in which he judged until the age of eighteen. The Bach<sup>4</sup> explains that the age of eighteen is when a person's mind has matured and has developed a fuller sense of clarity. It is at this age that a person can comprehend and perceive the depth of judgment necessary to come to broad conclusions which are essential for adjudication. The Prisha<sup>5</sup> adds that the age of eighteen is when a person's heart is strong, and a judge exercises the courage required to save the oppressed from those who wish to exploit his weaknesses.

The Tur points out that according to the Yerushalmi, beginning at age thirteen the judgment of a young boy is valid. Why then, did Yoshiyahu return money to those who stood in judgment before him until he was eighteen? We must say that Yoshiyahu acted with an extra degree of caution, and he conducted himself with a strictness which was technically unnecessary. The Gr"<sup>6</sup> points out that the

(Insight...continued from page 1)

sages in the Gemara understood the truth of the Torah more than anyone else. They had the power to penetrate its profundity and reveal the rigor of its standards. They are the ones to interpret for us its severe modules of expression. ■

Yerushalmi can be understood according to the understanding of Rashi in our Gemara, where Yoshiyahu was shown a Sefer Torah which was discovered by Chilkiyah. After studying it and learning the laws of Torah, Yoshiyahu realized that he had erred in many areas, and he now knew that he was mistaken in many of his judgments until he was eighteen. Although a judge may serve beginning at age thirteen, this is only when he is qualified. Yoshiyahu reversed the mistakes he knew he had made during the period when the laws of the Torah were not known.

Rabeinu Yerucham rules according to the Yerushalmi, that a judge may serve beginning at age thirteen (provided he is competent). The Tur cites Rabbi Yehuda Bartzlioni who is uncertain whether we should rule according to our Gemara, and require that a judge be at least eighteen years old, or whether we should rule according to Rabbi Abahu the Yerushalmi, and allow a boy who is thirteen to serve on a panel of judges.

Rambam does not delineate the age at which one may begin to serve as a judge. The Bach explains that Rambam holds like the Yerushalmi, and that even a minor may judge monetary cases, but the rabbis require that he be thirteen to at least appear as an adult. The Shulchan Aruch brings both opinions, but does not conclude according to either one. The Tumim<sup>7</sup> writes that even according to the more strict opinion that a person must be eighteen before serving on a beis din, בדעבד – after the fact if a young man younger than eighteen participated in a judgment, the ruling is valid and must be honored. ■

1. סנהדרין ד: ז'
2. מישרים נתיב א' ח"א
3. חושן משפט ז: ג
4. ד"ה קטן פסול לדון
5. סעיף קטן ג'
6. סעיף קטן י"ג
7. סק"ג ■

# STORIES Off the Daf

## Accepting Lashon Hara and the Churban

אילמלי לא קיבל דוד לשון הרע...ולא גלינו מארצנו

The Gemara quotes Rav who says that Dovid's acceptance of Lashon Hara regarding Mefiboshes led to the discontinuation of Malchus Beis David, which led to Bnei Yisrael serving Avoda Zara. This eventually led to the exile of Bnei Yisrael from Eretz Yisrael.

Chazal relate how the acceptance of Lashon Hara also caused the downfall of the person whom Rabbi Akiva thought was Moshiach, namely Shimon Bar Kochba.

Fifty-three years after the destruction of

the second Beis Hamikdash, Bar Kochba led a revolt against the Romans, who were making life intolerable for observant Jews. The Roman emperor Hadrian established a temple for Avodah Zara on the site of the Beis Hamikdash, and established decrees prohibiting the Jews from keeping many of the Mitzvos. Bar Kochba organized an official army, which slowly pushed the Romans out of much of Eretz Yisrael. The Tenth Legion, which had occupied Yerushalayim since the Churban, retreated to Caesara. For two and a half years, there was a Jewish state led by Bar Kochba.

The Yerushalmi in Tanis (4:5) explains why Bar Kochba was eventually overcome by the Romans in the city of Beitar. Bar Kochba's uncle was Rabbi Elazar HaModai, a tremendous Talmid Chacham and a Tzadik.

Rebbi Elazar would sit in mourning every day and Daven to Hashem that he should not sit in judgment against Bnei Yisrael. A Roman spy slanderously told Bar Kochba that Rebbi Elazar was plotting to help give the city over to Hadrian. In a fit of anger, Bar Kochba accepted the Lashon Hara and killed Rebbi Elazar. A voice from heaven immediately proclaimed: "You have killed Rebbi Elazar Hamodai, the right arm of Yisrael and their right eye. Therefore, the arm of that man will wither, and his right eye grow dim." The Romans proceeded to kill Bar Kochba, along with the hundreds of thousands of Jews who were in Beitar. This is another tragic example of the extensive damage done to Bnei Yisrael due to the acceptance of Lashon Hara. ■