

## OVERVIEW of the Daf

### 1) Nesachim and Shelamim (cont.)

The Baraisa continues to clarify the pasuk discussing Avshalom and the reference to forty years.

2) **MISHNAH:** The Mishnah continues to discuss differences between communal and personal offerings.

### 3) The superfluous chattas

A Baraisa elaborates on the halacha mentioned in the Mishnah related to a superfluous chattas.

R' Hamnuna cites a Baraisa that presents a dispute what should be done with a superfluous chattas.

The indication that R' Yehudah maintains that it should be left to graze is challenged.

This forces the Gemara to decide that R' Shimon is the one who maintains that the superfluous chattas is left to graze.

This assertion is also challenged and the Gemara provides two ways to explain the Baraisa as originally presented.

### 4) Communal chattas

The Gemara challenges the implication that there is an opinion that maintains that a communal chattas whose owners received atonement is left to die.

While citing the Baraisa the Gemara pauses to clarify a point in the Baraisa.

R' Pappa answers the challenge.

Two possible sources for R' Pappa's position are presented.

The second source is unsuccessfully challenged.

The Gemara questions the offering of a chattas for intentional sinners.

R' Yochanan answers that it was a special ruling and proves that this approach is correct.

### 5) Eshkolos

A Mishnah in Sotah is cited that teaches eminent scholars ceased to exist upon the death of Yosef ben Yoezer from Tzreidah and Yosef ben Yochanan from Yerushalayim.

The term eshkolos is explained.

One of the characteristics of people characterized as eshkolos is identified.

Another Baraisa further elaborates on the people described as eshkolos.

The assertion that following Yosef ben Yoezer Torah scholars had flaws in their character is challenged. ■

## Distinctive INSIGHT

*The community does not die*

מנא ליה לר' פפא הא

The opinion of R' Yehuda in the Mishnah is that an animal designated for a chattas for the community must be left to die if the community had achieved atonement through other means. The Gemara considered that perhaps R' Yehuda would also say that a chattas animal which was designated for the community would also have to be left to die if some of the members of the community, the owners of this animal, had died subsequent to having set the animal aside for the offering. This is certainly the case in regard to the chattas of an individual, where if the owner dies, the animal must be left to die.

R' Pappa taught that this is not the case. R' Yehuda would agree that a chattas of the community is not left to die even if some of its owners have past away, because we say that "a community does not die." This explains the pesukim in Sefer Ezra which describe how those who returned from the Babylonian exile brought many offerings, among them chattas goats which were completely burned and not eaten. There are five cases of "internal chattas—a chattas whose blood is brought inside the Beis HaMikdash, and which is completely burnt" and these are the only chattas offerings which are not eaten. The ones here were brought for avoda zara. Now, after being away for seventy years, those who returned brought offerings of chattas to atone for avoda zara committed in the days of King Tzidkiyahu before the destruction. Although the people themselves who did the avoda zara were apparently no longer alive, we still say that the community does not die, and that atonement was still appropriate.

The Gemara now probes to learn the source from where R' Pappa determined his rule that the community does not die. Sefer Be'er Sheva to Horayos (6a) wonders about this analysis of the Gemara. Is it not obvious from the pesukim in Sefer Ezra that those who returned from the exile brought offerings for people who were no longer alive, and this could only have been valid if we say that we do not focus upon the individuals who died, but rather upon the community, which we say does not die? We need look no further to find a source for the words of R' Pappa.

Sefer Be'er Sheva explains that the Gemara noted that R' Pappa did not introduce his comments by saying, "From the pesukim we learn that..." This seems to imply that R' Pappa had an independent source from which he derived his rule.

Sefer Bnei Shmuel says that the pesukim are not conclusive regarding this issue. Although R' Pappa says that the offerings were atonement for those who had died, and we must say that "the community does not die," the Gemara feels that there might have been survivors of the period of King Tzidkiyahu, and the offerings were brought for the living. We therefore ask for the source of R' Pappa's rule. ■

# HALACHAH Highlight

## Inheritances

תחת אבותיך יהיו בניך

*In place of your fathers will be your sons*

The Gemara teaches that the halacha regarding a chattas whose owner died does not apply to the chattas of the tzibbur. The reason is that the tzibbur as an entity cannot die. This is based on the pasuk that states (Tehillim 45:17), תחת אבותיך יהיו בניך – In place of your fathers will be your sons. The Gemara in Bava Basra (159a) derives from this same pasuk that a grandson inherits from his paternal grandfather. Poskim disagree about the rationale for this ruling. According to Rashbam<sup>1</sup> since grandchildren are comparable to children – בני בנים הרי הם כבנים – it is considered as though the grandson is inheriting directly from his grandfather. Ramah<sup>2</sup> disagrees and contends that a grandchild's inheritance from his grandfather is a combination of the right of his father as well as his own right to inherit.

Teshuvos Kochav M'yaakov<sup>3</sup> explains that the concept that a grandchild inherits from his grandfather is based on his ability to stand in place of his father since the pasuk says, "In place of the fathers will be their sons." Proof to this concept is found in our Gemara that derived from this pasuk the principle that the tzibbur does not die and as long as the children exist it is as if the fathers also exist. Similarly, when a grandson inherits it is considered as if his father is still alive and the

# REVIEW and Remember

1. What is done with a chattas whose owner received atonement with another animal?
2. What is the point of dispute between R' Yehudah and R' Shimon?
3. How was it possible for intentional sinners to offer a chattas?
4. Who is described as "a certain pious man"?

child inherits his father's right to inherit. One of the halachos that revolves around this dispute is whether this principle is limited to a grandson or perhaps it applies to anyone who stands to inherit property who is not a son of the deceased. Ra'avad<sup>4</sup> follows Rashbam's explanation and maintains that the ruling is limited to a grandson but other heirs do not stand in the place of the deceased father. According to Ramah the halacha is that the heir stands in the place of the one who bequeaths to him. This approach is not limited to sons; it applies to anyone who stands to inherit. ■

1. רשבי"ם ב"יב קני"ט. ד"יה דלמא.
2. רמ"ה שם פ"ט אות ק"ע.
3. שו"ת כוכב מיעקב סי' קכ"ה ד"ה ובדבר ראיתו.
4. מובא דבריו בשיטה מקובצת ב"יב קני"ט. -קני"ט: ■

# STORIES Off the Daf

## The Maharil's Instruction

עד שינק חלב רותח שחרית

In Yerushalayim of old there was a section known as the "Finsterer Keitin"—"the Shadowy Stores." In this alleyway, mostly Arab shopkeepers sold vegetables. Many wore a fez on their heads and their guttural Arabic resounded in the area.

One of the stalls was owned by Yechezkel Lilienthal. He looked like just another Arab shopkeeper, and he spoke Arabic as well, but he was a Jew and kept a strictly kosher stall. During shemittah Reb Yechezkel was very careful to sell only vegetables raised by Arab farmers on land owned by non-Jews. The Maharil Diskin would buy fresh produce only from him.

Interestingly, although Reb Yechezkel

had a problem with his lungs, he lived a very long time, even slightly outliving the Maharil Diskin.

When Reb Yechezkel passed away, everyone was shocked to see Reb Dovid, the man who delivered milk in the old city, begging the deceased to forgive him, "I didn't know how important it was," he was heard to say.

Eventually the people plied the story from the milk man. "Once, the Maharil sent for me and asked me where I get my goat milk. Although I protested that I only gave chalav Yisrael, the Maharil explained that he still wished to know where the milk came from for a different reason. When I explained which Arab farm I would go each morning to supervise the milking and get milk, the Maharil asked that I bring milk to Reb Yechezkel each day immediately after the milking, making sure to get him milk which was still warm

for use at breakfast. Although this meant that I had to go out of my way, the Maharil paid me for the extra trouble.

"After the Maharil passed away, I went back to my old route, bringing Reb Yechezkel cold milk later in the day. Within a very short time after this change, Reb Yechezkel got very sick and died. Afterwards I remembered the Maharil's instructions and realized that he had apparently needed goat's milk in the morning. At least I could have gone to his stall and poured him a cup of milk," he lamented.

One of the lamdanim present explained that this would not have helped. "He needed hot milk. This is clear from Temurah 15. There we find that a certain pious man in pain needed to have warm milk every day. Giving him cold milk would not have helped..."<sup>1</sup> ■

1. השרף מבריסק, ע" 456 ■