

OVERVIEW of the Daf

1) Eshkolos (cont.)

The Gemara revises its understanding of what flaw scholars had after Yosef ben Yoezer.

This explanation is unsuccessfully challenged.

2) The halachos forgotten following Moshe Rabbeinu's death

The Gemara elaborates on the occurrence of the Jewish People forgetting numerous halachos following Moshe Rabbeinu's death.

R' Yitzchok Nafcha asserts that the halacha of a chattas whose owners have died is amongst the halachos forgotten following the death of Moshe Rabbeinu.

Another teaching related to the events that followed Moshe Rabbeinu's death is presented.

Related teachings and expositions of relevant pesukim are recorded.

The Gemara discusses whether Kalev was the son of Kenaz or Yefunah.

A Baraisa elaborates on Osniel.

The prayer of Osniel who is also known as Yabetz is discussed.

3) R' Shimon's position

A Baraisa elaborates on R' Shimon's position presented in the Mishnah.

The Gemara challenges R' Shimon's logic.

Reish Lakish offers one explanation.

R' Nosson suggests another explanation.

In the middle of this explanation the Gemara clarifies a point.

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REVIEW and Remember

1. How many halachos were forgotten following the death of Moshe Rabbeinu?

2. Who was the father of Kalev?

3. What are the five chattaos that are left to die?

4. In what way are kodoshim more stringent than temurah?

Distinctive INSIGHT

The Torah cannot be taught from the Heavens

אמר ליה לא בשמים היא, אמרו לו לשמואל שאל א"ל אלה המצות שאין הנביא רשאי לחדש דבר מעתה

Earlier, R' Yehuda taught in the name of Shmuel that three thousand halachos were forgotten during the days of mourning following the death of Moshe Rabeinu. The Gemara now elaborates upon this event. The Jewish people approached Yehoshua and begged him to restore these halachos. Rabeinu Gershom explains that they wanted him to use his ruach hakodesh, a form of prophecy, while Tzon Kodoshim points out that the Jewish nation petitioned that he use the Urim v' Tumim. Gri"z prefers the approach of the Tzon Kodoshim, because it does not seem plausible that the Jews expected Yehoshua to use prophecy to discover a halacha upon demand. Only Moshe Rabeinu was on the level of receiving the Torah directly from the Heavens when he requested it, as we find when there was a need to answer the inquiry of the daughters of Tzlafchad. There (Bamidbar 9:8), Moshe announced, "Stand here and I will hear [the answer] which God will command." Other prophets, however, were not able to ask God and expect a particular response at any moment. They only were able to receive information when it appeared to them. Rambam (Hilchos Yesodei HaTorah 7:6) explains that this distinction is a primary difference between the prophecy of Moshe Rabeinu and other prophets.

In his chiddushim, R' Meshulam Dovid HaLevi notes that the Jews might not have been expecting an immediate response to restore these three thousand halachos, and they might have just asked Yehoshua that he should restore these halachos whenever he would merit an elevated level of ruach hakodesh.

Yehoshua told the Jews that he would be unable to restore these lost halachos. He cited the verse (Devarim 30:12): "it is not in the heavens," explaining that once the Torah has been given, it is up to us to study it and derive halachos through toil and effort. In a later generation, the Jews approached Shmuel and asked him to restore these lost halachos. Shmuel also denied their request, pointing out that it was not in his hands to do so. "These are the mitzvos," (Vayikra 27:34) he said. After

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HALACHAH Highlight

Is a step-father called "father?"

חורגו דקנו הוא

He was the step-son of Kenaz

It happened once that a man had a get written to send to his wife who was living in another city and when they asked the husband his wife's father's name he replied **שמואל ליב** and this was confirmed accurate by another witness. When the get arrived they asked the woman for her father's name and her reply was **ליבוש**. She explained that the reason for the error was that her step-father's name was **שמואל ליב**. This raised the question of whether the **גט** is valid. Sefer Even Meir¹ first made mention of the fact that there is a discussion amongst the Poskim whether leaving out the name of the woman's father or making an error when writing the woman's father's name invalidates the **גט**.

He then proceeded to assert that in this case, where the error was that they wrote her step-father's name all opinions would agree that the **גט** is valid. The reason is that a step-father who raises his step-daughter in his home is also called a father. This is clear from Rema's ruling² that a step-father who refers to his step-son whom he raised in his home as his "son" - "בני" in a legal document has not invalidated the document. Similarly,

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the giving of the Torah no prophet has permission to teach halachos based upon prophecy.

Maharsha explains that Yehoshua was asked to remember the lost halachos, which is why, in his answer, he did not use the verse from Vayikra to deny the people's request. He had already heard these halachos, and for him it would have been a question of remembering halachos, which would have been allowed, and not teaching new ones. However, the posuk precluding accessing Torah from the heavens applied to him as well. Later, the nation asked Shmuel to access these halachos anew, but he explained that it was not possible for a prophet to do that. ■

a document is valid if a step-son refers to his stepfather as his "father." Further proof to this can be found in our Gemara. It was noted that there are contradictory pesukim as to whether Kalev was the son of Yefunah or Kenaz. Rava answered that Kalev's biological father was Yefunah but he was raised by his step-father Kenaz. Although Kenaz was only his step-father we still find the pasuk referring to them as father and son. This clearly illustrates that it is acceptable to refer to a step-parent as a parent and thus this woman's **גט** that referenced her step-father rather than her biological father is valid. ■

1. ספר אבן מאיר (גארדין ג.).

2. רמ"א חו"מ ס"י מ"ב סעי' ט"ו. ■

STORIES Off the Daf

The Roots of Pilpul

החזיר עתניאל בן קנז מתוך פלפולו

When the Beis Halevi, zt"l, saw his son's masterpiece on the Rambam, he was very gratified. "In the merit of this work, the yeshiva students of modern times will also be able to learn. The sweetness of this method of learning Torah will give even them a chance to grow in learning." The method, of course, is the lomdus of Rav Chaim Soleveitchik—a more modern incarnation of the time-

honored tools of drush and pilpul.

Rav Dessler, zt"l, explains that these two methods actually stem from the time of Yehoshua. "There are two ways to grasp the oral Torah. The first way is how they learned from Moshe. This is an aspect of halachah l'Moshe miSinai. It is learned with dveikus and retained—since one recalls what he learns when in an aroused state of interest. The second way to learn something is through drush and pilpul. This was the preferred method when the hearts of the generation were diminished and a large amount of Torah was forgotten, as we find in Temu-

rah 16. After one thousand and seven hundred laws were forgotten during the mourning period for Moshe, Osniel ben Kenaz recovered them through pilpula d'oraishah. He restored what was lost through understanding one thing from another..."¹ ■

1. מכתב מאליהו, ח"ג, ע' 53. ■

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4) MISHNAH: The Mishnah teaches that there are some stringencies that apply to consecrated animals over temurah and some stringencies that apply to temurah over consecrated animals. ■