

Daf Digest for this month is dedicated
לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעעש
From the Grin family, Sao Paulo, Brazil

OVERVIEW of the Daf

1) Clarifying the opinion of Rebbi (cont.)

The Gemara explains that, according to Rebbi, the word עליה is used to teach that a Korban Chatas is brought for a transgression that, if done intentionally, carries a punishment of kares.

The source for this principle, according to Rabanan, is identified.

It is explained what Rebbi does with the phrase תורה אחת introduced by Rabanan.

This suggestion is unsuccessfully challenged.

2) The sixteenth ערוה

Levi suggests to Rebbi that a sixteenth ערוה should have been enumerated but does not identify what that sixteenth ערוה would be.

Rebbi sharply criticized Levi and demonstrated that there cannot be a sixteenth ערוה, primarily because the Mishnah does not deal with cases that are disputed.

The assertion that the Mishnah does not deal with cases that are disputed is unsuccessfully challenged. ■

REVIEW and Remember

1. What type of transgression warrants a Korban Chatas?

2. Who apparently did not have a brain in his head?

3. What is the dispute between R' Shimon and Rabanan concerning the wife of a non-contemporary brother?

4. Explain the dispute between R' Yehudah and Abaye concerning the Baraisa of R' Chiya.

Distinctive INSIGHT

The authorship of the Mishnah

אמר ליה לוי לרבי מאי איריא דתני ט"ו, ליתני ט"ז

The expression in the Gemara suggests that Levi asked Rebbe about the wording of the Mishnah, where it should have numbered sixteen women, rather than fifteen who are prohibited for yibum, and who affect their co-wives, as well.

מהר"ץ חיות notes that Rebbe himself is the redactor of the Mishnah. This being the case, instead of speaking objectively about the Mishnah, we should have expected Levi to have spoken to Rebbe in first person and ask, "Why did you write in the Mishnah..." Furthermore, the response of Rebbe in the Gemara reads "The Mishnah is not dealing with controversial cases." Again, here, Rebbe should have personally defended his choice of words and said, "I did not include controversial cases."

מהר"ץ חיות cites ספר הכריתות who, based upon this question, states that most of the text of the Mishnah predated Rebbe. Rebbe put the Mishnah in its final form and order, but the wording of most Mishnayos was not his. מהר"ץ חיות himself challenges this assertion, because although the text of the Mishnah was authored by Rebbe, the discussion between Rebbe and Levi in our Gemara does not deal with the wording of the Mishnah, but rather with the number listed in reference to the grand total of prohibited women. It seems that numbers, specifically, were certainly established prior to Rebbe, during the time of the Men of the Great Assembly. The Yerushalmi (Shekalim 5:1) expounds the verse from Divrei Hayamim (1:2:55): "...the families of scribes (סופרים) who dwelled at Yaavetz." Why, asks the Yerushalmi, are these scribes referred to as סופרים—the ones who counted? It is because they assigned numbers to lists, for example, "Five shall not designate teruma, and if they do, it is invalid," and "Five grains are obligated to have challah taken off the dough..." Our Mishnah is another example, where we find, "Fifteen women cause their co-wife to be exempt from Yibum." Because the numbers associated with these lists were each arranged by the Men of the Great Assembly, Levi asked Rebbe why the Mishnah listed fifteen, and not sixteen, women. ■

HALACHAH Highlight

Speaking harshly to students

אמר ליה כמדומה לי שאין לו מוח בקדקדו

He [Rebbi] said to him [Levi], It appears to me that he has no brain in his head.

Rav Yair Chaim Bachrach¹, the Chavos Yair, was asked to explain the many derisive and biting comments that rabbis made to one another in the Gemara. For example, in a number of places upon hearing Rav's opinion on a matter, Rav Sheishes commented that Rav must have been "dozing and drifting into sleep" when he made this comment. These types of comments are difficult to understand in light of the verse in Koheles (9:17) which states, "The words of scholars are heard if they are presented pleasantly," and the Mishnah in Avos (2:10) which states that one should treat the honor of his friend like his own.

Concerning the comment of R' Sheishes about Rav, Chavos Yair notes that the wording is, "dozing and drifting into sleep" rather than "drifting into sleep and dozing." The significance of this could be understood in light of a comment of Tosafos in Pesachim² where Tosafos distinguishes between two cases of dozing— the dozing that occurs when

one is falling asleep and the dozing that occurs as one is waking from sleep. When one dozes as he is waking it is likely that he will catch an illogical statement that he made as he was rising, since he is moving towards more consciousness. In contrast, one who is dozing into sleep will not catch an error made while dozing since he is moving towards greater unconsciousness. Thus, when R' Sheishes stated that Rav was "dozing and drifting into sleep" he was complimenting Rav because Rav would not make such a statement had he been conscious of what he was saying.

Chavos Yair proceeds to cite our Gemara where Rebbi comments that Levi's question "indicates that he does not have a brain inside of his skull," and explains that the comment and similar ones are permitted when they are made by a Rebbi to his student. It is permitted for a teacher to rebuke his students, even using harsh words, to drive them towards greater clarity and accuracy in their studies. This, suggests Chavos Yair, is the source for Rambam's ruling³, subsequently codified in Shulchan Aruch⁴ that a rebbi is permitted to display anger with his student if he sees the student behaving lazily. ■

1. שו"ת חות יאיר סי' קנ"ב
2. תוס' פסחים קי"ט: ד"ה אמר
3. רמב"ם פ"ד מהל' תלמוד תורה ה"ה
4. שו"ע יו"ד סי' רמ"ו סע' י"א ■

STORIES Off the Daf

Strong words

אמר ליה קמדומה לי שאין לו מוח בקדקדו

Generally speaking, the sages were very careful not to speak in a sharp way even if they disagreed with their colleagues. When the Pri Chadash was first printed and reached the Jewish community in Egypt, the Chachamim there were amazed at the insight in the sefer. Despite their high regard for its scholarship, they placed a ban on it and didn't allow anyone in their community to purchase it. What turned them against the sefer? The fact that when the Pri Chadash argued against the Beis Yosef, he adopted a patronizing tone!

When the Torah Temimah related

this, he said, "One would think that the printers would have placed the Pri Chadash on the page in full like they did the Ketsos and Nesivos in Choshen Mishpat. I think it is only either found in an abbreviated form on the page or relegated to the back of the Shulchan Aruch because that ban made an impact in heaven!"

However, today's daf is an example of the exception that proves the rule; when there was a valid reason, the sages could also be known to speak with great acerbity. Someone once asked the Chavos Yair, zt"l, "Why do we find in Yevamos 9a that Rebbi says that Rav Levi has no brain in his skull? Isn't that a little harsh when all Levi did was ask why there are fifteen women who discharge their tzaros from yibum, and not sixteen?"

The Gadol responded, "This is

where the Rambam learned that a Rav must show anger with his disciple if he feels that the student's failure to understanding is due to a lack of diligence and care in his learning. Since Rebbi felt that his student was careless, showing anger was a means to goad him to be more diligent in the future."

There could be other reasons for the occasional harsh word. For example, the Chasam Sofer, zt"l, also once blasted someone named Aharon Choriner publicly. This Aharon Choriner was a "progressive Rabbi" who had an agenda to weaken traditional observance in Hungary.

The Chasam Sofer pointed out, "I noticed that in the many petitions this man has submitted to the government, he signs his name: 'Aharon Choriner, Rabbi.' See for yourselves—the name and title bears the initials 'Acher!'" ■

