



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Brachos Daf Yud Tes

- **R' Yehoshua ben Levi** said there are 24 places in the Mishnayos that we find beis din putting someone in cheirem due to disrespecting the Chachomim and their authority. **R' Elazar** was able to find 3 places in the Mishnayos:
  - Someone who spoke bad about talmidei chachomim after their death – A Mishna says that **Akavya ben Mahalalel** paskened that one does not give the “mei sotah” to a giyores of a freed maid, but the **Chachomim** argued with him. He was then told that **Shmaya and Avtalyon** gave a freed maid to drink the “mei sotah”. **Akavya** said, they did that because they themselves come from converts (they were descendants of Sancheyrev). He was put in cheirem for saying that. He eventually died when still in cheirem and a large stone was placed on his coffin.
  - Someone who belittled netilas yadayim (which is a halacha of the **Rabanan**) – The above Mishna continues and says that **R' Yehuda** says it cannot be that the great **Akavya** was put in cheirem. Rather, it was **Elazar ben Chanoch** who was put in cheirem for disparaging the D'Rabanan requirement of netilas yadayim. He eventually died when still in cheirem and a large stone was placed on his coffin, which teaches that anyone who dies in cheirem has his coffin stoned by Beis Din.
  - Someone who was disrespectful to Hashem – **Choni Hamagul** demanded that Hashem make it rain and then insisted that it rain not to soft and not too hard. **Shimon ben Shatach** told **Choni**, I should put you in cheirem for acting like that to Hashem, but if Hashem listened to you like a father to a son, how can I punish you? We see from this Mishnah that someone who is disrespectful to Hashem (which is the same idea as disrespecting the Chachamim), must be put in cheirem.
  - **Q:** There is also the case in a Braisa taught by **R' Yosef** that says, Todos Ish Romi instituted that the Roman Jews eat a roasted, whole goat on Pesach night, as a remembrance of the Korbon Pesach. **Shimon ben Shatach** told Todos, if you were not such a respected person, I would put you in cheirem because you are ignoring the **Chachamim's** gzeirah not to eat a goat prepared this way at the seder (because it looks too much like the actual korbon and may be confused as “kodoshim bachutz”)!? **R' Elazar** could only find 3 Mishnas. This is a Braisa.
  - **Q:** There is a Mishna in which **R' Eliezer** argued strongly about the tahara of an oven that was sliced and put back together with sand. **R' Eliezer** said it is tahor and the **Chachomim** said it is tamei. The **Chachomim** ruled as tamei everything that touched the oven which **R' Eliezer** had ruled to be tahor. In a Braisa they then put him in cheirem for continuing to argue. Why isn't this Mishna listed!? **A:** The putting into cheirem is only mentioned in a Braisa, and the list was of places where the cheirem took place in a Mishna.
  - **Q:** If **R' Elazar** only found 3 places in the Mishna, how did **R' Yehoshua ben Levi** find 24 places!? **A:** **R' Yehoshua ben Levi** counts all places where someone was disrespectful to the **Chachomim** or Hashem and counts that as a place that shows this rule even though there is no mention of being actually placed in cheirem (he is “medameh milsa l'milsah” – he compares similar cases and posits similar outcomes although the outcomes are not mentioned) and in that way finds 24 places.

### NOSEI HAMITAH V'CHILUFYHEN

- A Braisa says, one should not begin taking a meis to burial near the proper time for kriyas shema (so as not to prevent people from being able to say it at the proper time). If one did begin to do so, the burial may be completed. Although we find that **R' Yosef** was taken out to be buried

close the time for kriyas shema, that is different, because an “adam chashuv” may be taken out to burial even near the proper time for kriyas shema.

#### SHELIFNEI HAMITAH V'SHELI'ACHAR HAMITAH

- A Braisa says, if people are listening to hespedim and the time for shema arrives, if the meis is in the room with them, they should leave the room one by one and say shema. If the meis is in another room, they should say shema where they are and the avel remains quiet. They should then say shmoneh esrei and the avel should accept Hashem's judgment by saying a tefilla acknowledging the justness and saying that in truth, he deserves even worse.
  - **Abaye** said one should never say he deserves worse, as **Reish Lakish and R' Yose** say, that gives the Satan, our enemy prosecutor, an argument when presenting his case.

#### KAVRU ES HAMEIS V'CHAZRU...

- The Mishna means that even if the person can finish one perek or even one pasuk of shema before reaching the shura, he should begin and say that one pasuk. If he can't, he should not begin.

#### HA'OMDIM BASHURA...

- A Braisa says that the people in the rows that can see the aveilim are patur from shema. The others are chayuv. **R' Yehuda** says, the people who came for the aveilim are patur from shema. The people who came for themselves (i.e. to see the burial but not to be menachem the aveilim) are chayuv to say shema.
- **R' Yehuda in the name of Rav** says, if someone realizes he is wearing shatnez, he must remove the clothing even if he is in the market and will be embarrassed, because we don't consider human dignity as relevant when there is a violation of Hashem's mitzvah.
  - **Q:** A Braisa says that the people at a burial accompany the mourner home out of respect for the mourner. Even if he chooses a road where there is known tumah, a Kohen may accompany him home. Based on the ruling above, we should not allow this disregard of halacha for the respect of the mourner!? **A: R' Abba** said, the Braisa is referring to a case where the road has tumah D'Rabanan (i.e. a “beis hapras”). The **Rabanan** allow violation of their mitzvah for human dignity.
  - **Q:** A Braisa says that **R' Elazar the son of R' Tzadok** (who was a Kohen) would jump over coffins to greet and show respect to the Jewish and non-Jewish kings. Now, we should not allow the violation of a mitzvah to respect a king!? **A:** It is as **Rava** said, that stepping on a coffin only creates tumah if there is less than a tefach of empty space. Since most coffins do have an empty tefach, the principle of “roiv” tells us that it is ok for a Kohen to step on/over a coffin. The **Rabanan** said that they should not step over any coffin. The **Rabanan** did not institute their gzeirah in a place where it prevents respecting the kings.
  - **Q:** A Braisa says that human dignity trumps a “lo sa'seh” in the Torah?! **A: Rav bar Sheva in the name of R' Kahana** explained that this refers to the “lo sa'seh” of “lo sasur” which is the basis for all halachos D'Rabanan, so the Braisa is only talking about D'rabanan laws.
  - **Q:** A Braisa says, the words “V'Hisalamta Meihem” teach us that an elder person or anyone else for whom it would not be befitting for his honor, need not pick up a lost object if it is below his dignity?! We see dignity trumps!? **A:** That is only in that case of the found item, because the pasuk says “V'Hisalamta”. However, by shatnez dignity will not trump and one must remove the shatnez clothing even in public. We can't learn from this case to all other cases because we don't learn “issurim” type laws (e.g. shatnez) from monetary laws (because we are more lenient by monetary laws).

**Q:** A Braisa says, the word “U'li'achoso” teaches that if one is on the way to bring his Pesach or to circumcise his son and he hears that a close relative has died, he continues on with his mitzvah and does not go to deal with the meis. However, if he happens upon a meis mitzvah, he gives up on the Pesach and the circumcision because human dignity of the meis mitzvah trumps. We see that human dignity trumps other mitzvos?! **A:** Typically, human dignity will not trump. There, the word “U'li'achoso” teaches that it does. We can't learn from there to the case of shatnez, because there he is not actively violating the Pesach, he is just letting it pass (it's a “shev v'al ta'aseh”). By shatnez he is actively violating the mitzvah by continuing to wear the shatnez.