



Daf In Review – Weekly Chazarah

Maseches Gittin, Daf ל] – Daf ט]]

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf ל]---53-----

MISHNA

- If someone makes another person's produce tamei, or if he mixes terumah into the other person's produce, or if he makes the other person's wine into "yayin nesech", if it was done b'shogeg he is patur. If it was done b'meizid, he is chayuv.

GEMARA

- With regard to the case of making wine into yayin nesech, **Rav** says the case is where the person pours it for avodah zarah, and **Shmuel** says the case is where he mixed yayin nesech wine into the person's regular wine.
 - **Shmuel** doesn't say like **Rav**, because one who pours wine to avodah zarah would be chayuv misah, and as such would be patur from paying under the rule of "kam lei b'd'rabbah minei". **Rav** says he would be chayuv to pay, because, as **R' Yirmiya** says, he is chayuv for stealing it the minute he picks it up, and he is not chayuv misah until he actually pours it. Since the penalties do not come at the same time, he is chayuv for both.
 - **Rav** doesn't say like **Shmuel**, because he says that **Shmuel's** explanation is the same thing as the case of the person who mixes terumah into the produce. **Shmuel** says that these cases are cases of penalty, and one cannot be learned from the other. That is why each one must be taught separately.
 - **Q:** According to the view that we can learn out cases of penalty from each other, why do we need to list all these cases in the Mishna? **A:** All the cases are needed. If we would just have the case of the person making the produce tamei, if the produce was terumah he would be chayuv because he makes it totally assur, and if the produce is chullin he is chayuv because it is assur to increase tumah in EY. However, when he mixes terumah into regular produce, where he has done nothing wrong, maybe he should not be chayuv. If we would just say the case of mixing, we would say he is chayuv in that case because that is a more common case, but making tamei, which is more uncommon, maybe he would be patur. If we would say these two cases we would say he is chayuv because there is no concept of kam lei b'd'rabbah minei. However, in the case where he pours the wine, since this concept does apply, maybe he would not be chayuv, the Mishna therefore teaches he is chayuv like **R' Yirmiya** explained.
 - **Q:** According to the Braisa taught by the father of **R' Avin**, which says that at first the penalties for making someone's produce tamei and making their wine yayin nesech were instituted, and later they added the penalty for one who mixes terumah into someone's produce, why were each of the cases needed? **A:** If we would only have the case of making something tamei we would say that he is chayuv because the concept of kam lei b'd'rabbah minei does not apply, but in the case of yayin nesech where it does apply we would say that he should be patur. Therefore, the Mishna has to also teach the case of yayin nesech to teach that he is chayuv there as well. If we would only have the case of yayin nesech, we would say that only there he is chayuv because he has rendered the wine totally useless for any purpose, but in the case of tamei, where it has some use (he can use it to fuel a fire or for animal feed) he should be patur. That is why both these cases are needed. Now, if we would only have these 2 cases, we would say he is chayuv in these cases because he has caused a significant loss, but in the case of where he mixes in terumah, where the loss is limited (he can only sell it to Kohanim and therefore the price goes down based on lower demand), we would say he is patur. That is why the Mishna has to teach this case as well.

Daf In Review – Weekly Chazarah

- **Chizkiya** said, D'Oraisa one is chayuv when he damages in an unrecognizable way (like in our Mishna) whether it was done b'shogeg or b'meizid. The **Rabanan** said that b'shogeg he will be patur so that he will let the person know that his produce is now assur.
 - **Q:** Why don't we say that b'meizid is patur as well so that he will let the person know? **A:** This person is intentionally damaging the other person's produce. Obviously, he wants the person to know what he did. So he will surely tell him.
- **R' Yochanan** said, D'Oraisa he is patur whether he did it b'shogeg or b'meizid, because unrecognizable damage is not considered to be damage. The **Rabanan** said that he is chayuv if it was done b'meizid so that we don't have people going around and making other people's produce tamei, and claiming to be patur.
 - **Q:** A Mishna says, Kohanim who make a korbon into piggul are chayuv if they do so b'meizid, for the benefit of the world. Now, piggul is a form of damage that is not recognizable. To say that the takanah was made to make the meizid chayuv refutes **Chizkiya**!? **A:** The Mishna means that the meizid is chayuv, but the shogeg is patur, and it is the shogeg being patur that was done for the benefit of the world, because in truth all should be chayuv because such damage is true damage.
 - **Q: R' Elazar** asked, a Braisa says, if someone does work with the parah adumah or its water mixture, he is patur from punishment in Beis Din, but is chayuv to be punished by Heaven. Now, if unrecognizable damage is true damage, he should even be chayuv in Beis Din!? **A: R' Elazar** answered, the Braisa may be talking about the type of work that is only considered work if intended to be so by the owner (he took the parah into the barn to nurse and to thresh the grain there as well, in which case it is work only if he wants her to thresh the grain, or he used the water as a counter-weight to measure something). Since it is dependent on the intent, it is considered to only be a "grama" of damage, for which one is only chayuv from Heaven.
 - **Q: Rava** has said that using the chatas water as a weight does not make it passul!? **A:** He is talking about using it on one side of a balance scale. **R' Elazar** is talking about using the water for actual measurement (by placing something in to see how much water gets displaced).
 - **Q:** If he used the water directly in that way, then if you hold unrecognizable damage is considered to be damage, he should clearly be chayuv!? **A:** Both cases are where he used the water on a balance scale. **R' Elazar** is discussing where he was "masiach daas" from the water and it therefore becomes passul. **Rava** is discussing where he was not masiach daas, and therefore it does not become passul.
 - **Q: R' Pappa** asked, a Braisa says, if one stole terumah and it became tamei, he can simply return it to its owner and is not chayuv to pay. Now, if unrecognizable damage is considered to be true damage, he should have to pay!? This is a **TEYUFTA** of **Chizkiya**.
 - **Q:** Maybe we can say that the machlokes between **Chizkiya** and **R' Yochanan** is actually a machlokes between Tanna'im. A Braisa says, if one makes another person's produce tamei, or he mixes terumah into another's produce, or he makes another's wine into yayin nesech, **R' Meir** says the person is chayuv to pay, whether it was done b'shogeg or b'meizid. **R' Yehuda** says, if it was done b'shogeg he is patur, if it was done b'meizid he is chayuv. We can say that the machlokes is that **R' Meir** says unrecognizable damage is considered to be real damage and **R' Yehuda** says it is not!? **A: R' Nachman bar Yitzchak** said, it may be that everyone holds it is not considered to be true damage. The machlokes may be that **R' Meir** says we penalize the shogeg as a gezeirah for the case of meizid, and **R' Yehuda** says that we do not.
 - **Q:** Based on this we have a contradiction to the shitos from another Braisa. The Braisa says that if one cooks something on Shabbos, **R' Meir** says if it was done b'shogeg, the person may eat the food on Shabbos, and if it was done b'meizid he may never eat that food. We see **R' Meir** does not penalize the shogeg as a gezeirah for the case of meizid. The Braisa then says that **R' Yehuda** holds that if it was done b'shogeg, he may not eat it until after Shabbos, and if it was done b'meizid he may never eat this food. We see that **R' Yehuda** does penalize the shogeg as a gezeirah for the case of meizid. These views are contradictory to what they hold in the previous answer!? **A:** The views of **R' Meir** are not problematic, because it may be that he only penalizes

Daf In Review – Weekly Chazarah

when it is a halacha D'Rabanan (like unrecognizable damage), but he does not feel the need to be goizer for a D'Oraisa (the case of cooking on Shabbos). And, although he penalizes by yayin nesech, which is a case of D'Oraisa, that is different because the issur of avodah zarah is so strong that he was goizer over there as well. The views of **R' Yehuda** are also not contradictory. He only penalizes by a D'Oraisa (since it is a stronger issue), but not by a D'Rabanan. And, although he is not goizer by the case of yayin nesech, which is D'Oraisa, that is because the aveirah of avodah zarah is so strong, people stay away from it and there is no need to be goizer.

- **Q:** A Braisa says, **R' Meir** says if one plants a tree on Shabbos, if it was done b'shogeg he need not uproot it, and if it was done b'meizid it must be uprooted. If one planted a tree on shmitta, whether it was done b'shogeg or b'meizid, it must be uprooted. **R' Yehuda** says that if it is planted on shmitta, then b'shogeg it need not be uprooted but b'meizid it must be uprooted, and if it was planted on Shabbos, then in either case it must be uprooted. Now, we see from here that **R' Meir** was goizer even by the D'Oraisa of shmitta!? **A:** The Braisa itself seems problematic, because he is only goizer regarding shmitta, but not regarding Shabbos!? Rather, we must say like **R' Meir** explained, when people look at a tree years later, they will remember in which year it was planted. Therefore, this tree will always be known as having been planted during shmitta, leading people to think that planting during shmitta is mutar. That is why it must be uprooted in all cases. That concern is not present regarding planting on Shabbos, because people will not remember what day the tree was planted. **R' Meir** gives another reason, that Yidden are suspected of not keeping the halachos of shmitta, but are not suspected of not keeping Shabbos. That is why we only need to be goizer for shmitta.
 - **Q:** Why is this second reason needed? **A:** There are times when people may be able to tell that the tree was planted on Shabbos, in the case where it was planted 30 days before Rosh Hashanah, thereby getting the status as having been planted for the entire previous year. In a year where the 30th day before Rosh Hashana was a Shabbos, people looking back will be able to tell that it was planted on Shabbos. Therefore, **R' Meir** gives a second reason why he was goizer for shmitta, but not for Shabbos.
 - **Q:** Above we said that **R' Yehuda** is goizer in a case of D'Oraisa, but regarding shmitta he is not goizer!? **A:** In the place of **R' Yehuda**, people were very careful about shmitta, and that is why a gezeirah was not necessary in that case.

-----Daf 71---54-----

- The Gemara had said that **R' Meir** penalizes a shogeg as a gezeirah for the case of a meizid, when dealing with a halacha D'Rabanan.
 - **Q:** A Braisa says that if a person ate terumah b'shogeg, he must repay the Kohen with produce of tahor chullin. What would be if he paid with tamei chullin? **Sumchos in the name of R' Meir** says, if it was paid that way b'shogeg, then he is considered to have fulfilled his repayment obligation. If it was done b'meizid, he has not. The **Chachomim** say, in either case it is considered a valid repayment, but we make him pay again with tahor chullin, as a penalty. **R' Acha the son of R' Ika** explained that the machlokes in the Braisa is that **R' Meir** holds we do not penalize the shogeg as a gezeirah for the meizid and the **Chachomim** hold that we do. This contradicts what was said about **R' Meir** earlier!? **A:** The Gemara says, in the earlier case of **R' Meir** the person who did the damage was not trying to do something righteous, therefore we penalize him. In this case, the person was attempting to pay back for his inadvertent action, which is what he is supposed to do, so we will not penalize him for doing so.
 - **Q:** A Braisa says, if blood of a korbon became tamei and the Kohen offered it on the Mizbe'ach, if it was offered b'shogeg, the korbon is considered to be valid. If it was done b'meizid, it is not valid. This is presumably due to a penalty of the **Rabanan**. We see that we do not penalize the shogeg as a gezeirah

Daf In Review – Weekly Chazarah

for the meizid!? **A: R' Meir** would say, the Kohen is trying to do the proper thing and offer a Korbon. We will not penalize him for doing so.

- **Q:** A Mishna says, if one separates maaser on Shabbos (which is assur to do D'Rabanan), if it was done b'shogeg, the remaining produce may be eaten on Shabbos. If it was done b'meizid, it may not be eaten. We see that we do not penalize the shogeg as a gezeirah for the meizid!? **A:**The Gemara says, the person is trying to do the proper thing and give maaser. We will not penalize him for doing so.
- **Q:** A Mishna says, if one toivels a keili on Shabbos (which is assur to do D'Rabanan), if it was done b'shogeg he may use the keili on Shabbos. If it was done b'meizid, he may not. We see that we do not penalize the shogeg as a gezeirah for the meizid!? **A:**The Gemara says, the person is trying to do the proper thing and toivel a keili. We will not penalize him for doing so.
- **Q:** There is a contradiction between **R' Yehuda's** shita (brought down previously, that the **Rabanan** did not penalize a shogeg as a gezeirah for the case of a meizid by a D'Rabanan), and **R' Yehuda's** shita in a Braisa. The Braisa says, if nuts of orlah fell into mutar nuts and the nuts were then smashed (which D'Rabanan is the only way that they can become batul if there is 200 times as much mutar nuts as there are assur nuts), **R' Meir and R' Yehuda** say that whether they were smashed b'shogeg or b'meizid, the nuts are assur. **R' Yose and R' Shimon** say that if it was done b'shogeg it is mutar, and if it was done b'meizid it is assur. We see that **R' Yehuda** penalizes in the case of shogeg as a gezeirah for the case of meizid!? **A:** The reason he penalizes in that case is because he is concerned that if we allow the shogeg, people will smash the nuts b'meizid and claim that they had done so b'shogeg. However, in other cases, where this concern does not exist, he does not penalize the shogeg.
 - **Q:** A Mishna says that one may not pick grapes from a vine of orlah or klayim that became mixed in mutar vines, because doing so would cause them to become batul. If one did pick them, and it was done b'shogeg, it would become batul if there are 200 times as much of the permitted vines. If it was done b'meizid, it remains assur. **R' Yose** said, even if it was done b'meizid, it would become batul. We see that in this Mishna **R' Yose** does not even penalize the meizid, which is different than he said in the Braisa!? **A:** We have learned that **Rava** said, that it is very uncommon for such a mix-up to occur. That is why **R' Yose** would not penalize in this unusual case. **Ravin in the name of R' Yochanan** said this as well.

MISHNA

- If a Kohen made a Korbon become piggul (through his improper thoughts), if it was done b'meizid, he would be chayuv to pay for the Korbon.

GEMARA

- A Braisa says, if a person tells someone “the taharos that I was working on for you are tamei”, or if a Kohen tells someone, “The Korbon that I was offering for you is piggul”, he is believed. However, if he says, “The taharos that I was working on for you on a particular day” or “The Korbon I was offering for you on a particular day”, he is not believed.
 - **Q:** What is the difference between the cases that yield different results? **A: Abaye** said, in the first cases, since he has the power now to make it tamei or to make it piggul, he is believed. In the second set of cases, since he no longer has the ability to make it tamei or to make it piggul, he is not believed. **A: Rava** said, the reason he is not believed in the second cases is because it is discussing where the people had met earlier and no mention was made of the taharos becoming tamei or the Korbon becoming piggul. It was only at a later meeting that the issue was brought up. He is not believed since he did not bring it up at the first encounter.
 - A person once told his friend “The taharos that I worked on for you on a particular day are tamei”. **R' Ami** said, the person is not believed. **R' Assi** said, although you say he is not believed, **R' Yochanan in the name of R' Yose** said “I must believe him, because the Torah believes him in this case”.
 - **Q:** Where do we find that the Torah believed him? **A: R' Yitzchak bar Bisna** said, we see this from the Kohen Gadol on Yom Kippur, who offers the Korbon with no one else in the Ohel

Daf In Review – Weekly Chazarah

Moed, and yet he would be believed to come out and say that the Korbon became piggul (although he can no longer make the Korbon piggul at the time).

- **Q:** Maybe we would only believe him when someone was able to overhear him making a statement of piggul? **A:** That wouldn't make it piggul, because it would be impossible to verify that the statement was made during the offering of the korbon, and not afterwards. Therefore, it must be that it becomes piggul solely because we believe him.
 - **Q:** Maybe the case is that they saw him through a tiny opening and knew that it was said during the offering of the Korbon? **A: KASHYEH.**
- A sofer once went to **R' Ami** and told him "The Sefer Torah that I wrote for ploni is not valid because I didn't write the Names of Hashem with proper intent". **R' Ami** asked him, who is in possession of the Sefer Torah now? He said the purchaser had the Sefer Torah. **R' Ami** told him, you are believed regarding your wages (you say you didn't write a valid Sefer Torah, so you don't deserve to get paid), but you are not believed to make the Sefer Torah invalid. **R' Yirmiya** asked **R' Ami**, he should lose his wages that he got for writing the Names of Hashem, but he should not lose his wages for having written the rest of the Sefer Torah!? **R' Ami** said, such a Sefer Torah is worthless, because it cannot be repaired, and therefore he loses all of his wages.
 - **Q:** Shall we say that **R' Ami** does not agree with **R' Yehuda**, who says that if a Name of Hashem was written without the proper intent, it can be traced over with proper intent and become valid? **A:** Even **R' Yehuda** would agree that that can be done in one place in a Torah, but not to every single Name of Hashem written in the Torah, because it would take away from the beauty of the Torah.
- A sofer once went to **R' Avahu** and told him "The Sefer Torah that I wrote for ploni is not valid because I didn't work out the parchment with proper intent". **R' Avahu** asked him, who is in possession of the Sefer Torah now? He said the purchaser had the Sefer Torah. **R' Avahu** told him, since you are believed regarding your wages, you are also believed to make the Sefer Torah invalid.
 - **Q:** Why is the result in this case different than in the last? **A:** In the last case it may be that the sofer thought he was only going to lose a small amount of his wages (like **R' Yirmiya** thought to say) and was willing to give up that small amount to cause anguish to the purchaser. However, in the case of **R' Avahu**, since he is admittedly going to lose his full wages, it must be that he is saying the truth.

-----Daf 71-----55-----

MISHNA

- **R' Yochanan ben Gudgida** testified, that a deaf-mute girl who is married off by her father, may be divorced with a get. Also, an orphaned girl who is still a minor and is married off by her mother to a Kohen, may eat terumah (D'Rabanan, since the marriage is only D'Rabanan), and if the girl dies, she is inherited by her husband. Also, if a person stole a beam and built it into his house, the owner of the beam cannot demand the return of the actual beam (which would require the thief to destroy his house), rather he need only return the value of the beam. This was done for the benefit of the people who want to do teshuva. Also, that a chatas that was brought with a stolen animal, and is unknown to the public that it is a stolen animal, the chatas is effective, and this was done for the benefit of the Mizbe'ach.

GEMARA

- **Rava** said, from the testimony of **R' Yochanan ben Gudgida** we can learn, that if someone tells witnesses, "See this get that I am about to give my wife", and he then turns to his wife and tells her "Take this loan document" and gave her the get without telling her it was a get, she would be divorced. We see this from **R' Yochanan**, because he says that the wife's knowledge is not necessary for divorce (since a deaf-mute doesn't have capacity for knowledge), so the same would be here.

Daf In Review – Weekly Chazarah

- **Q:** This seems obvious!? **A:** We would think, that in **Rava's** case since he told her it was a loan document, he was mevatel the get. He teaches that since he told the witnesses it was a get, he was not mevatel it, and the reason he told her it was a loan document is because he was embarrassed to say it was a get.

V' AHL KETANA BAS YISRAEL

- This suggests that if a deaf-mute girl married a Kohen when she was an adult (the marriage is only D'Rabanan, because she doesn't have the mental capacity of an adult), she would not be allowed to eat any terumah (even terumah D'Rabanan). The reason is that we would be concerned that it would lead to a deaf-mute woman married to a deaf-mute Kohen to eat terumah D'Oraisa.
 - **Q:** This woman has the same legal status as a minor, and therefore we have no obligation to stop her from eating prohibited foods. If so, why would we care if she ate terumah? **A:** The concern is that allowing this would lead to a case of a healthy woman who married a deaf-mute Kohen eating terumah, which would truly be assur.
 - **Q:** The marriage would be effective D'Rabanan, so why can't she eat terumah D'Rabanan? **A:** We are concerned that eating terumah D'Rabanan may lead her to eat terumah D'Oraisa well.

V' AHL HAMARISH HAGAZUL SHEBANO

- A Braisa says, if a beam was stolen and built into a house, **B" S** say he must destroy the house and return the beam. **B" H** say, to assist those looking to do teshuva, he must only pay for the beam.

V' AHL CHATAS HAGEZULA...

- **Ulla** said, D'Oraisa such a korbon will not be effective whether people know it was stolen or not. The reason is, that in order for the animal to belong to the thief he must make a kinyan after the "yi'ush" of the owners (after they gave up hope of getting the animal back), and his kinyan of meshicha was likely done before the yi'ush. The **Rabanan** enacted that if it is not publicly known to be a stolen animal the korbon is effective so that the Kohanim should not become depressed that they have eaten from a passul korbon.
 - **Q:** The **Rabanan** asked **Ulla**, our Mishna says the enactment was for the benefit of the Mizbe'ach, not the Kohanim!? **A:** **Ulla** answered, if the Kohanim become depressed, they will not want to bring anymore korbanos, and the Mizbe'ach will sit empty. In that way, it was an enactment for the benefit of the Mizbe'ach.
- **R' Yehuda** said, D'Oraisa such a korbon will be effective whether people know it was stolen or not. The reason is that no kinyan need be made after yi'ush, and the animal therefore belongs to the thief. The **Rabanan** enacted that if it is publicly known to be stolen the korbon should be passul, so that people not say that the Mizbe'ach accepts stolen items.
 - **Q:** Our Mishna discusses a stolen Chatas. According to **Ulla** this makes sense, because a chatas is eaten by the Kohanim, and the entire enactment was built on that. However, according to **R' Yehuda**, why is this concept limited to a Chatas? It should apply to an Olah as well!? **A:** The Mishna means to say, not only regarding an Olah, which is entirely consumed on the Mizbe'ach, is there a concern to say that the Mizbe'ach is accepting stolen items, rather even a Chatas, which is shared between the Mizbe'ach and the Kohanim, will bring up this concern.
 - **Q:** Our Mishna says that the enactment was to allow the Chatas that was not publicly known to have been stolen. According to **R' Yehuda**, the enactment was actually that if it is known to be stolen it is *not* effective, so why is the Mishna stating it in the reverse? **A:** The Mishna is saying if it is not known to be stolen, it is valid. This means that if it is known it will be passul, and that was done for the benefit of the Mizbe'ach.
 - **Q:** **Rava** asked, a Mishna says, if a person stole an animal and was then makdish it to be brought as a korbon, and he then sheched or sold it, the halacha is that he has to pay keifel to the owner (since when it was stolen it was not yet hekdesch), but he does not pay 4 or 5 times (which is normally paid when a thief shechts or sells the animal, because at the time of the shechita or sale it already belonged to hekdesch). A Braisa adds, if he were to shecht the animal outside of the Beis Hamikdash, he would be chayuv kares for shechting a korbon outside of the Beis Hamikdash. Now, according to **Ulla**, since the animal doesn't truly belong to the thief (no kinyan was made after yi'ush), why would he be chayuv kares for shechting it outside? That is the penalty only if one shechts an animal that is valid for the

Daf In Review – Weekly Chazarah

korbon!? **A: R' Shizbi** said, it means he would be chayuv kares D'Rabanan. **Rava** explained, this means that the **Rabanan** gave him legal ownership over this animal (which they can do) and that is why he is chayuv kares.

- **Q: Rava** asked, when the **Rabanan** gave him ownership of the animal, did they give him ownership from the time of the stealing or from the time that he made it hekdesch? The difference would be regarding the shearing and offspring of the animal from the time of the theft until the time he made it hekdesch. **A: Rava** then said, it would make sense to say that they gave it to him at the time it became hekdesch, because otherwise the **Rabanan** would be giving profit to a thief.

MISHNA

- The halacha of “sikrikon” (when a goy threatened to kill a Yid, and the Yid gave him land so that he shouldn't kill him) didn't apply in Yehuda when people were being killed in war. After that time period, the halachos of sikrikon did apply.
 - What are the halachos? If a Yid bought land from the sikrikon, and he then made a kinyan with the Jewish owner of the land as well, the purchase is void and he must return the land to the Jewish owner. However, if he first made a kinyan with the owner, and then bought it from the sikrikon, the sale is valid.
 - A similar halacha applies in the following case. If a person buys land from a man (and this land had a lien for his wife's kesubah) and then made a kinyan with the wife to release the lien, the purchase is void. However, if he first made a kinyan with the woman, and then with the husband, the purchase is valid.
 - This was the original halacha. A later Beis Din said, if a Yid purchases land from a sikrikon, he gives ¼ to the original owner, and may keep the rest. However, this only applies if the original owner doesn't have the means to buy the land back himself. If he does, he has priority over anyone else to buy back that land.
 - **Rebbi** set up a Beis Din which then said, that if the land remained with the sikrikon for 12 months, whoever buys it first may keep it, but he must give ¼ to the original owner.

GEMARA

- **Q:** It would seem that the issue of sikrikon was more commonplace during the times of war, and yet the Mishna says that it only began to apply after the times of war!? **R' Yehuda** explained, the halachos of sikrikon only applied after the war. The reason is based on **R' Assi**, who said that at first the goyim decreed that whoever has an opportunity to kill a Jew and does not, will himself be killed. Then they retracted and said, whoever kills a Jew must pay a small fine. Finally they said, whoever kills a Jew will himself be killed. During the period of the first two decrees, a Jew felt threatened and fully transferred ownership of the land to the goy, to try and save his life. After the last decree, the Jew wasn't as concerned. He would give the land, thinking that he will later go to court and get it back. Therefore, it was never fully given and remains the property of the owner. That is when the laws of sikrikon were first applied.

-----Daf ך]--56-----

- **R' Yochanan** said, as result of the story of Kamtza and Bar Kamtza, Yerushalayim was destroyed. As a result of the story of the rooster and the hen, Tur Malka was destroyed. And, as a result of the of the carriage, Beitar was destroyed.
- The story of Kamtza and Bar Kamtza is as follows. A person who was a friend of Kamtza and an enemy of Bar Kamtza, made a party and his attendant mistakenly invited Bar Kamtza instead of Kamtza. When the host saw his enemy there, he told him to leave. Bar Kamtza pleaded not to be thrown out and offered to pay for his meal. When the host continued to insist that he leave, he offered to pay for half the party. When the host continued to insist, he offered to pay for the entire party. Finally, the host had him physically taken out. Bar Kamtza said, the **Rabanan** were there and didn't seem to be bothered by what took place, so I will now go and slander them to the king. He told the Caesar, the Yidden have rebelled against you. When he was asked to prove it, he said,

Daf In Review – Weekly Chazarah

send an animal for a korban and you will see that they will not accept it. He sent a high quality animal, and Bar Kamtza made a slight mum, which was only a considered a mum for us Yidden when bringing an animal on the Mizbe'ach (he split the animal's lip). The **Rabanan** were torn on how to deal with this potentially devastating situation. They were thinking to bring it on the Mizbe'ach anyway, but **R' Zacharya ben Avkulas** told them that people will think this type of mum is mutar. They thought to have Bar Kamtza killed so that he not report back to the Caesar, but **R' Zecharya** told them that this will lead people to say that one who makes a mum in a korban is chayuv misah.

- **R' Yochanan** said, it was this modesty of **R' Zecharya** (by not wanting to act) that eventually caused the Churban of the Beis Hamikdash, the burning of the Heichal, and the Yidden to go into galus.
- The story continues. Nero Caesar came to attack Yerushalayim. He shot arrows in all directions and they kept landing in Yerushalayim (telling him that he would be successful). He found a young child and asked him to repeat the pasuk he was learning. The pasuk told how Hashem will take revenge on Edom for starting up with the Yidden. Nero said, Hashem wants to punish the Yidden and them punish me for carrying out that punishment. He turned away and became a ger (and merited to have **R' Meir** as a descendant). Aspayanus Caesar then came to attack Yerushalayim and besieged it for 3 years. During this time, Nakdimon ben Guryon, Kalba Savuah, and Ben Tzitzis Hakeses (who were the wealthy men there), promised to supply the Yidden with wheat and barley, with wine, salt, and oil, and with wood. They had enough supplies to support all the Yidden there for 21 years. However, there were these baryunei, who wanted the Yidden to wage war against the Romans. They went and burned down the storehouses of wheat and barley and a hunger ensued. The hunger was so bad that Meirsa bas Baisus, who was from the wealthiest women, could find no food to eat. She went out barefoot to look for food, and either stepped on animal waste, or on a date that had been sucked dry by **R' Tzadok**, and she became so disgusted that she died.
 - **R' Tzadok** had fasted for 40 years to try and save Yerushalayim. When he concluded his fasting he could not eat solid foods and had to suck the juice from the dates for sustenance.
- Abba Sikra was the head of the baryunim and was the nephew of **R' Yochanan ben Zakkai**. **R' Yochanan** arranged a secret meeting with him and told him that the baryunim were killing all the people. Abba Sikra said there was nothing he could do, because if he would stop them now, they would kill him. **R' Yochanan** said, get me out of Yerushalayim to meet with the Romans. The baryunim were guarding the city to make sure no one left, so **R' Yochanan** staged his own death and had his talmidim carry him out to be "buried". When he got out he went to Aspayanus (who was at that time not yet the Caesar) and said "Peace to you king, peace to you king!" Aspayanus said, first, I am not the king, and second, if I am why haven't you come to see me until now!? **R' Yochanan** said, you are destined to become king, because a pasuk teaches that only a king will conquer Yerushalayim, and the reason I have not come until now is because the baryanim don't let anyone out. He said, you should have broke the walls down to come to me. **R' Yochanan** had his wisdom taken from him at that moment, and he did not know what to respond.
- At this time a message came from Rome, telling Aspayanus that the Caesar had died and that he was now appointed Caesar. He was wearing one shoe and tried to put on the other one, and it didn't fit. He tried to remove the one he was wearing, and it wouldn't come off. **R' Yochanan** explained to him from a pasuk, that hearing good news causes one to swell. He told him (again based on a pasuk) to have someone that he dislikes to pass by, and when he did so, the shoes again fit. Aspayanus said, I must go back to Rome, but ask me whatever you want, and I will grant it to you. **R' Yochanan** asked him to spare Yavneh and the Chachomim, the family of **R' Gamliel**, and to provide doctors to heal **R' Tzadok**. Although it would seem that he should have simply asked to spare Yerushalayim, he thought that such a grand request would not be granted and he would be left with nothing. The doctors healed **R' Tzadok** by slowing having him drink thicker and thicker liquids until his body was able to handle solid foods again.
- Titus then came to take the place of attacking Yerushalayim. He destroyed Yerushalayim, went into the Kodesh HaKodashim, spread a Sefer Torah on the floor, and was mezaneh on it with a zonah. He then stabbed the paroches and through a miracle, it began to bleed. He declared that the blood was from

Daf In Review – Weekly Chazarah

God, who he said he killed. He took the paroches and wrapped all the keilim into it and took it on a ship to bring it back to Rome. A storm came and threatened to drown him. He said, it appears that Hashem only has power in water, as we see Hashem punished Pharaoh and Sisra in water. He challenged Hashem to come and fight him on land. A Bas Kol called out and said, there is a tiny creature called a gnat. Go and fight it on land and see if you can win. When Titus reached land, a gnat went into his nose and lodged in his brain. It gnawed at his brain for seven years. At one point he found that the banging of a blacksmith scared the gnat and caused it to stop, but that only worked temporarily. After 30 days, the banging no longer helped. A Braisa says that **R' Pinchas ben Aruva** said he was there when Titus died and they opened his head, and the gnat had become the size of a bird. **Abaye** said, we have a tradition that its beak was made of copper and its nails of iron. When Titus was dying he told the people to cremate him and spread his ashes over the seven seas so that he will not be able to be called to judgment in front of Hashem.

- When Unkelus wanted to become a ger, he used kishuf to summon the spirit of Titus and asked him who was seen as prominent in the Next World. Titus told him it is the Jews. He asked Titus, should I convert to Judaism? He told him, they have too many laws. You'd do better to attack them, because anyone who does becomes a leader. Unkelus asked, how are you punished in the Next World? Titus said, every day my ashes are gathered and judged, I am then burned, and again spread out over the seven seas.
- Unkelus then went and raised the spirit of Bilam and asked him the same questions. Bilam responded it is the Jews who are viewed as prominent, but you are best to stay away from them. He asked Bilam how he is punished and Bilam told him he is boiled in boiling zerah.
- Unkeles then went and asked the same questions to a Yid who did aveiros. The Yid responded that he would do best to join the Yidden. When asked how he was punished, the person said he is boiled in boiling feces. We have learned that one who mocks the words of the Chachomim is punished in this way.
- The Gemara says, come and see the difference between the navi of the goyim (who still said not to join the Jews) and the Yidden who do aveiros (who advised him to join the Jews).
- **R' Elazar** said, look how great the power of shame is, as we see that Hashem went and helped Bar Kamtza because he was shamed, and that led to the entire Churban.

-----Daf 57-----

- The story (referenced by **R' Yochanan**) of the rooster and the hen that caused the destruction of Tur Malka, is as follows. The custom in Tur Malka was that when the bride and groom were brought to their wedding they would bring a rooster and a hen in front of them, to symbolize the bracha that they should be fruitful and multiply. One time a group of passing Romans went and took the rooster and hen. The people went and beat them up. These Romans went to the Caesar and told him that the Jews are rebelling against him. This caused him to go and attack Tur Malka. There was a mighty warrior among the Jews there who was able to jump a mil and kill the enemy. The Caesar davened to Hashem that he should not fall into the hands of this warrior. The warrior stated a pasuk suggesting that he could win this battle on his own, without the help of Hashem. When this warrior went to the bathroom, a snake came and bit him, killing him. The Caesar said, since this miracle happened for me, I will not continue to attack the city. The Jews began to eat, drink, and rejoice, and this party was noticeable from a far distance away. The Caesar said, the Jews are rejoicing as if they have defeated me in battle, and he therefore went and attacked them again. **R' Assi** said, he sent 300,000 sword bearing soldiers against the city and they killed people there for 3 days and nights, without the other side of the mountain even realizing what was taking place.
 - **R' Yehuda in the name of R' Assi** said, King Yannai had 600,000 cities in the region of Tur Malka, and each city had 600,000 people in it, except for 3 cities that had 1,200,000 people each. **Ulla** said, although if one sees the area today it clearly cannot hold anywhere near that amount of people, **R' Chanina** has taught that the pasuk refers to EY as "the land of the deer", to teach that just as a deer's skin seems too small to hold all the meat of the deer, but somehow it stretches and is able to do so, the same is with EY.

Daf In Review – Weekly Chazarah

- **R' Menyumei bar Chilkiya, R' Chilkiya bar Tuvia, and R' Huna bar Chiya** were sitting and they said that everyone should say something they have heard about the people of Sechanya of Mitzrayim.
 - One said the story of an arusah with his arusa who were captured and the captives had them married. The arusah told her husband, "Please do not touch me, because I do not have a kesubah from you". He did not touch her and never did, up to and including the time of his death. When he died, his wife said, "My husband conquered his Yetzer Harah in a greater way than Yosef Hatzadik. Yosef had to fight his desire one time, while my husband was faced with this every single day. Yosef didn't sleep with her in the same bed, while my husband slept with me in the same bed. Yosef did not have to fight the temptation to be with his wife, while my husband did."
 - Another said the story of how there was once inflation in the city, and suspecting it was because of an aveirah that was done, they researched and found that a father and son had been mezaneh with a naara hamurasa on Yom Kippur. They took them to Beis Din and had them killed, and the inflation immediately disappeared, and prices went back to the way they were.
 - Another said the story of a man who wanted to divorce his wife, but didn't want to pay her kesubah. He invited some friends and intoxicated them and had them lie down in the bed along with his wife. He then took the white of the egg (which looks like zerah) and put it between them on the bed, and claimed that his wife was mezaneh with them. **Bava ben Buta** was there and said I have a test to see whether that is zerah or the white of an egg, because the egg shrivels when heated and the zerah expands. They checked and realized this man set this plan in motion. They gave him malkus and made him pay the kesubah to his wife.
 - **Abaye** asked **R' Yosef**, since these people were such righteous people, why were they punished and destroyed? **R' Yosef** answered, because they did not mourn over Yerushalayim.
- The story (referenced by **R' Yochanan**) of the side of the carriage that caused the destruction of Beitar, is as follows. It was the custom there that a cedar tree was planted when a boy was born and a pine tree was planted when a girl was born. When they got married they would take their trees and use the wood to build their chuppah. One day the daughter of the Caesar was riding in her carriage and the side broke. Her people chopped down a cedar tree (that had been planted for a boy) and used it to fix the carriage. The Jews attacked these people for doing so. They went and told the Caesar that the Jews are rebelling against him, and he went and attacked the city of Beitar.
 - In the name of **R' Yochanan** it was said that 80,000 troop leaders went and killed men, women, and children in Beitar, until the blood from these killings flowed into the Mediterranean Sea, which was a mil away. A Braisa says that **R' Eliezer** said there were two rivers became 2/3 water and 1/3 blood from all these killings. Another Braisa says that for 7 years the goyim planted their vineyards without needing any fertilization, because of all the blood that was there.
- **R' Chiya bar Avin in the name of R' Yehoshua ben Karcha** said, an old man from Yerushalayim told me that in this valley Nevuzaradan of Bavel killed 2,110,000 people, and in Yerushalayim he killed another 940,000 people, until their blood flowed and touched the blood of Zecharya, that lay bubbling on the floor of the Beis Hamikdash complex.
 - Nevuzaradan saw the boiling blood on the floor in the Beis Hamikdash and was told that it was from a korbon. He compared the blood to the blood of many different animals and saw it was different. He asked about it and no one would answer him. He then threatened to comb the flesh off the people he was asking unless they told him what it was. They explained it was from Zecharya, who was killed when giving mussar to the Yidden. Nevuzaradan took the Great Sanhedrin and the smaller Sanhedrin and killed them all on top of this blood, yet it continued to boil. He killed many young men and women over the blood, and the blood continued to boil. He then killed many children over the blood, and yet it continued to boil. He called out "Zecharya, Zecharya! I have killed all the good ones. Do you want me to kill every Jew!?" The blood then stopped boiling. When Nevuzaradan realized what had taken place, he ran away and became a ger.

Daf In Review – Weekly Chazarah

- A Braisa says, Naaman became a ger toshav. Nevuzradan became a full ger. The descendants of Haman taught Torah in Bnei Brak, the descendants of Sisra taught children in Yerushalayim, and the descendants of Sancheirev taught Torah in public – and this refers to Shmaya and Avtalyon.
- The pasuk says “hakol kol Yaakov, v’hayadayim yidei Esav”. “Hakol” – refers to Adrayanus Caesar, who killed 1,200,000 Jews in Alexandria of Mitzrayim. “Kol Yaakov” – refers to Aspasyanus Caesar, who killed 4 million people in Beitar, and some say he killed 40 million. “V’hayadayim yidei Esav” – refers to the Romans, who destroyed the Beis Hamikdash, burned the Heichal, and sent us to galus.
 - Another explanation is - “hakol kol Yaakov” teaches that a tefilla is only answered when a descendant of Yaakov is involved, and , “v’hayadayim yidei Esav” teaches that a victory at war only happens when there is a descendent of Esav involved.
- **R’ Yehuda in the name of Rav** darshens the pasuk in Tehillim of “Ahl naharos Bavel...” to teach that Hashem showed Dovid what will happen at Churban Bayis Rishon (by Bavel) and at Churban Bayis Sheini (“Zechor Hashem livnei Edom...”).
- A pasuk states that “We are killed for Your sake”. **R’ Yehuda in the name of Shmuel** (others say it was **R’ Ami** and still others say it was a Braisa) said it refers to the following. It happened that 400 Jewish boys and girls were captured and put on a ship to Rome to be involved in zenus. They asked each other, if we drown ourselves (to prevent us being used for zenus), will we go to Olam Habbah? The oldest one there darshened a pasuk to teach that they would go to Olam Habbah. Upon hearing that, the girls jumped off the boat and drowned themselves. The boys said, if they did so, for sure we should do so, and they went ahead and did the same.
 - **R’ Yehuda** said, it refers to the following. It happened that a woman and her 7 sons were brought to the Caesar and were instructed to bow to avodah zarah. Each one quoted a pasuk explaining why he would refuse to do so, and was killed. Their mother told the last son, go and tell Avrohom Avinu, you brought one child as a korbon, I brought seven! She went to the roof and threw herself off. A Bas Kol called out the pasuk “Eim habanim semeicha”.
 - **R’ Yehoshua ben Levi** said it refers to bris milah on an 8 day old baby, who goes through this dangerous procedure for the sake of Hashem.
 - **Reish Lakish** said it refers to the talmidei chachomim who demonstrate the halachos of shechita on themselves, and thereby put themselves in danger.
 - **R’ Nachman bar Yitzchak** said it refers to talmidei chachomim who “kill themselves” to learn Torah.
- **Rabbah bar bar Chana in the name of R’ Yochanan** said, there were 40 se’ah of tefillin boxes from the heads of all the people killed in Beitar. **R’ Yanai the son of R’ Yishmael** and a Braisa said that there were 120 se’ah. They do not argue, because **R’ Yochanan** was referring to the shel rosh, and **R’ Yannai** was referring to the shel yad along with the shel rosh.
- **R’ Assi** said there were 4 kav of brains on one stone alone (at the killings during the Churban). **Ulla** said there were 9 kav.

-----Daf 71-----58-----

- The pasuk describing the time of the Churban Bayis Sheini says the Jewish children were “hamisula’im bapaz” (a rare and precious stone). This can’t mean that they were covered with jewelry of paz, because **R’ Shila** had taught that there is very little paz in the world. Rather, it means that they would shame paz with their beauty (the Jewish children were so beautiful). The Gemara says, the Romans would look at a paz stone during tashmish so that they should have beautiful children. When they captured they Jewish children, they would instead tie them to their bed and look at them during tashmish.
- A pasuk speaks of the terrible grief from the tragedies (“eini olilah l’nafshi...”). **R’ Yehuda in the name of Shmuel in the name of R’ Shimon ben Gamliel** said, this refers to the following. There were 400 batei medrash in Beitar. Each one had 400 teachers of children. Each teacher had 400 students. They planned to all stab the enemy when the enemy would come. However, the enemy was victorious, took them all, wrapped them in Sifrei Torah, and burned them all.
- A Braisa says, **R’ Yehoshua ben Chananya** went to Rome and heard that there was an exceptionally beautiful Jewish child that was in prison there. He went to the door of the prison and stated a pasuk which asks why these

Daf In Review – Weekly Chazarah

tzaros have befallen Klal Yisrael. The child responded with a pasuk stating that it was the aveiros that caused this. **R' Yehoshua** said, I know this boy will be a tremendous posek in Klal Yisrael. I will redeem him at any cost. He went and redeemed him. It was not long before this boy became a great posek. This boy was the great **R' Yishmael ben Elisha**.

- **R' Yehuda in the name of Rav** said, it happened at the time of the Churban that the son and daughter of **R' Yishmael ben Elisha** were captured. The owner of the son was telling his friend, I have purchased this amazingly beautiful slave. His friend had bought the daughter and said, I have purchased this amazingly beautiful maid. They said, let's put them together to have children and we can split the gorgeous children. The brother and sister were put into a dark room, not knowing who they were in the room with. He stayed in one corner and said, I am a Kohen, descendants of Kohanim Gedolim, and cannot marry a maid. She stayed in the other corner and said I am the daughter of a Kohen, descendants of Kohanim Gedolim and cannot marry a slave. When the sun rose and they saw each other, they cried on each other until their souls departed and they passed away. This story is what Yirmiyah referred to in the pasuk of "ahl eileh ani bochiya..."
- **Reish Lakish** said, it happened during this time that Tzafnas bas Peniel, so named because she was very beautiful, and was the daughter of the Kohen Gadol, was captured. After being abused the entire night, her master covered her in seven coverings and took her to the market to sell. A very ugly man said, I want to see her beauty to decide if I should buy her. At first the master refused, but then acquiesced. The master removed the first 6 coverings. Tzafnas then ripped the seventh covering and rolled in the dust on the ground, saying to Hashem, "Ribono Shel Olam, even if You have no pity on us, have pity on Your Great Name!" This is the story referred to by Yirmiyah in the pasuk of "bas ami chigri sak..."
- **R' Yehuda in the name of Rav** said, before the Churban it once happened that a carpentry student wanted to be mezaneh with his teacher's wife. The teacher needed to borrow money, so the student told him, send your wife to my house and I will give her the money. She went there and he was mezaneh with her for 3 days. The teacher came to the student's house and asked where his wife was. The student replied, she left from my house immediately, but I heard that she was willingly mezaneh with some young men after she left me. The teacher asked, what should I do? The student told him, you must divorce her. The teacher said, but I don't have the money to pay her kesubah. The student said, I will lend you the money. When he divorced her, the student married her. When the teacher couldn't repay the loan, he had to work for the student as repayment of the debt. The work included serving food and drink to the student and the wife (the teacher's old wife). When this story took place is when the decree was sealed in Heaven to bring about the Churban. Some say it was because of the zenus of this story (rather than the fact that he had to serve the student and his wife).

LAKACH MIN HASIKRIKON...

- **Rav** said, we only say that he didn't truly transfer ownership of the land if he told the purchaser to make a kinyan of chazaka. However, if he went and wrote a document of sale, that shows that he truly meant to transfer ownership. **Shmuel** said, even a document of sale does not show true transfer unless he wrote achrayus into the document as well.
 - There is a Braisa in which **R' Shimon ben Elazar** says like **Shmuel**. **Rav** would say that when the Braisa says it must be written with achrayus, it means that a document must be written.
- A Braisa says, if the purchaser of the land from the sikrikon used the land for 3 years with knowledge of the original owner, and the purchaser then sold the land to someone else, the original owner can no longer claim that he was never given his 25% payment (as the **Rabanan** instituted), because if that was true, he should have said something during the first three years.
 - **Q:** What is the case talking about? If it is talking about where the second purchaser claims that he knows that the first purchaser paid the 25%, then even if it was still in the hands of the first purchaser, and he was the one making that claim, he would be believed (so why do we need to involve a second purchaser)!? If the case is where the second purchaser says he does not know if the 25% payment was made, then the payment would have to be made then, so why does the Braisa say that he does not have to make a payment!? **A:** **R' Sheishes** said, the case is where the claim is not made (because he does not know). However, in such a case Beis Din will make the claim on behalf of the purchaser, because if the payment was never made, the original owner should have said something during the three years of

Daf In Review – Weekly Chazarah

chazakah. However, Beis Din would not make this claim for the original purchaser, only for a second purchaser.

- A Braisa says, if land is taken by a goy for payment of a debt, or for no reason at all (but not with a threat to life), the halachos of sikrikon do not apply (only by sikrikon does he sincerely give it away). In the case where it was taken for no reason, if it remains by the goy for 12 months, then anyone may purchase it and fully own it.
 - **Q:** The Braisa said that when it is taken for no reason the halachos of sikrikon do not apply, but then it says that after 12 months it may be purchased, which is the halacha of sikrikon!? **A:** The Braisa means to say, that in regard to sikrikon, if it remained by the goy for 12 months, anyone may purchase it.
 - **R' Yosef** said, we have a tradition that land is not taken for “no reason” in Bavel.
 - **Q:** We see that land is taken for no reason!? **A:** He meant that in such a case the land would not have to be given back, because in Bavel there is a court system, and if the owner didn't fully give it away, he would have gone to court to get it back.
 - Gidal bar Re'ilai once had an arrangement where he was to pay the property tax for an absentee owner of a co-op type field, and would then have rights to the produce of that field. He prepaid the taxes for 3 years. However, after just one year the owner came back and demanded that Gidal leave. **R' Pappa** was going to write a collection document for Gidal to collect the prepaid taxes for the remaining two years from the members of the co-op. **R' Huna the son of R' Yehoshua** said, that would not be correct, because then you are protecting the purchaser to the extent as if he had bought from a sikrikon, which is reserved for that case alone! Rather, Gidal brought this loss upon himself by prepaying so far in advance.

ZU MISHNA RISHONA, BEIS DIN SHEL ACHAREIHEN AMRU...

- **Rav** said, he must pay $\frac{1}{4}$ of the purchase price, either in land or in money. **Shmuel** said, he pays $\frac{1}{4}$ of the value of the land, which is equal to $\frac{1}{3}$ of the purchase price.
 - The machlokes is that **Shmuel** says that the sikrikon sells for $\frac{1}{4}$ less than the land's true value, and **Rav** says that he sells for $\frac{1}{5}$ less than the true value.
 - **Q:** A Braisa (similar to our Mishna) says that he pays $\frac{1}{4}$ of the money, which seems to suggest like **Rav**, that $\frac{1}{4}$ of the purchase price is what must be given!? **Q:** **Shmuel** would say that the Braisa means that he must give $\frac{1}{4}$ of all the money given – that is the sum of the purchase price plus the money given to the owner (this sum equals the value of the land). Therefore, it is $\frac{1}{4}$ of the value of the land that must be given.
 - The Mishna said that **Rebbi** set up a Beis Din that decided that $\frac{1}{4}$ must always be given. **Rav** said, “I was part of that Beis Din, and my vote was taken first”.
 - **Q:** We have learned that when voting on financial matters we begin with the vote of the most prominent member of the Beis Din, and therefore **Rebbi's** vote should have been taken first!? **A:** **Rabbah the son of Rava** said, in **Rebbi's** Beis Din, they never began with the most prominent member (they darshened the pesukim differently).
 - **Rabbah the son of Rava** said, from the times of Moshe Rabbeinu until the times of **Rebbi**, there was never one person who was the greatest in Torah and authority.
 - **Q:** There was Yehoshua!? **A:** Elazar was there with him who was as great in Torah.
 - **Q:** There was Elazar!? **A:** Pinchas was there with him who was as great in Torah.
 - **Q:** There was Pinchas!? **A:** The Elders were there with him who were as great in Torah.
 - The Gemara keeps asking and answering: In the times of the Elders there was Shaul, in the times of Shaul there was Shmuel, in the times of Dovid there was Ira Haya'iri, in the times of Shlomo there was Shimi ben Geira, in the times of Chizkiya there was Shevna, in the times of Ezra there was Nechemya ben Chachalya.
 - **R' Acha the son of Rava** said, I can also say that from the times of **Rebbi** until **R' Ashi** there was no one person who was the greatest in Torah and authority.
 - **Q:** There was **Huna bar Nosson** in the times of **R' Ashi**, who was as great as him!? **A:** **Huna bar Nosson** subordinated himself to **R' Ashi**, and therefore **R' Ashi** was considered to be the greatest of his time.

Daf In Review – Weekly Chazarah

-----Daf 59-----

MISHNA

- A deaf-mute may signal that he wants to enter into a transaction, and others may signal to him that they want to enter into a transaction with him (and the transaction is then effective D'Rabanan). **Ben Beseira** says that he may even mouth his intent and others may mouth their intent to him (there is no need for signaling) if the item is moveable property.
- With regard to young children, their purchases are purchases and their sales are sales with regard to moveable property.

GEMARA

- **R' Nachman** said, the machlokes in the Mishna is only in regard to moveable property. However, if a deaf-mute wishes to give a get, it must be done with signaling.
 - **Q:** That is obvious, since **Ben Beseira** clearly says that!? **A:** We would think that he meant to say that mouthing is certainly valid for a get (since the kiddushin happened with mouthing the get can happen with mouthing), and he is adding that it even works for moveable property.
 - **Others** say that **R' Nachman** said, the same way there is a machlokes regarding moveable properties, there is also a machlokes regarding gittin.
 - **Q: Ben Beseira** clearly said that his shita only applies to moveable properties!? **A:** He meant to say that it *even* applies to moveable properties.

HAPA'OTOS MEKCHAN MEKACH...

- **Q:** How old must a child be for his transaction to have effect? **A: R' Yehuda** signaled to his son **R' Yitzchak** that the child must be 6 or 7. **R' Kahana** said the child must be 7 or 8. A Braisa said, 9 or 10.
 - They do not argue. It all depends on the intellect of the child.
- **Q:** Why did the **Rabanan** give effect to their transaction? **A: R' Abba bar Yaakov in the name of R' Yochanan** said, it was done so that these children can get what they need to live.
- **Q:** If a child overpays or undercharges by mistake, how large can the mistake be without voiding the transaction? **A: R' Yona in the name of R' Zeira** said, up to 1/6, which is the same as would be in the case of an adult.
- **Q: Abaye** asked, what is the halacha regarding a gift given by a child? **A: R' Yeimar** said it is not a valid gift, and **Mar bar R' Ashi** said that it is valid.
 - The talmidim mistakenly reversed these shitos and said them over to **R' Mordechai**. He told them, tell **Mar bar R' Ashi** that his father paskened that it is a valid gift.

MISHNA

- These things were said for “darkei shalom” (to promote peace): A Kohen reads from the Torah first, then a Levi, and then a Yisrael, for purposes of darkei shalom.
 - The eiruv for an eiruvei chatzeiros should be put in the same house as it always was, for purposes of darkei shalom.
 - The watering hole that is closest to the source of the water should be filled first, for purposes of darkei shalom.
 - Taking an animal, bird, or fish from a trap is considered to be stealing for purposes of darkei shalom. **R' Yose** says it is truly stealing.
 - Taking the find of a cheires, shoteh, or minor is considered to be stealing for purposes of darkei shalom. **R' Yose** says it is truly stealing.
 - If a poor person is taking olives that were left for the poor on top of an olive tree, taking from the olives that are on the ground underneath him is considered stealing for purposes of darkei shalom. **R' Yose** says it is truly stealing.
 - We do not stop non-Jewish paupers from collecting leket, shikcha, or peyah, for purposes of darkei shalom.

Daf In Review – Weekly Chazarah

GEMARA

- **Q:** How do we know that a Kohen should be first, then the Levi, then the Yisrael? **A: R' Masna** said, it is based on the pasuk that says that Moshe gave the Torah to the “Kohanim bnei Levi”. Don't we know that a Kohen is from Levi? Rather, the pasuk is teaching that first goes the Kohen, then the Levi. **A2: R' Yitzchak Nafcha** said the same drasha based on the pasuk of “v'nigshu haKohanim bnei Levi”. **A3: R' Ashi** said, the pasuk says that “Aharon was separated to make him kodesh”. It would therefore be right that the Kohen should go first. **A4: R' Chiya bar Abba** said, the pasuk regarding a Kohen says “v'kidashto”, which teaches that he should be given precedence in every matter of kedusha. A Braisa taught by **R' Yishmael** says this as well.
 - **Q: Abaye** asked **R' Yosef**, based on all these pesukim, the reason the Kohen goes first is not for darkei shalom, but is rather a D'Oraisa!? **A:** He answered, it is D'Oraisa, but the reason for the halacha is for darkei shalom.
 - **Q: Abaye** asked, the entire Torah is for darkei shalom, as the pasuk says “Diracheha darchei noam...”, so why is that specifically mentioned in regard to this halacha!? **A: Abaye** said, the reason is as **Rabbah** said. A Braisa says that a more prominent person may honor a less prominent person to go first in any area, except for things that take place in shul (like getting an Aliya), because that can lead to other people arguing that they want to go first. Our Mishna is saying that the Kohen must get the first Aliya, and cannot defer to a non-Kohen, for darkei shalom, so that fights do not start.
 - **R' Masna** said, this is only true on Shabbos, when a lot of people are in shul. However, on Monday and Thursday, when not too many people are there, the Kohen may defer.
 - **Q: R' Huna** would read first even on Shabbos, even though he was not a Kohen!? **A: R' Huna** was different, because even **R' Ami** and **R' Assi**, who were the most chashuv Kohanim in EY, would lower themselves to **R' Huna**. Therefore, no one would fight and try to take the Aliya before **R' Huna**.
- **Abaye** said, if there is no Kohen in shul, the halacha falls apart (either the Levi does not get an Aliya at all, or this means that the Levi does not take precedence).
- **Abaye** said, if there is no Levi, a Kohen reads in his place.
 - **Q: R' Yochanan** has said that a Kohen should not get an Aliya after a Kohen, because it causes people to think there is something wrong with the first Kohen, and a Levi should not get an Aliya after a Levi, because it causes people to think there is something wrong with both of the Levi'im. If so, how can a Kohen take the place of a Levi and read after the first Kohen!? **Q: Abaye** means that the first Kohen gets a second Aliya.
 - **Q:** If 2 Levi'im get aliyas in a row, they both come into question, because it makes us think that one of them is not a Levi (the first one maybe isn't a real Levi which is why we had to call a second Levi, or it may be that the second one is actually a Yisrael, which is why he was called after the Levi). Using this same line of thinking, we should say that calling a Kohen after a Kohen casts doubts on *both* of them, not just the first one!? **A:** The case is where the father of the second Kohen was established as being a valid Kohen. If so, it is only the first Kohen who will come into question.
 - **Q:** Presumably the case of the Levi is the same, and similarly, it should only be the first Levi who comes into question!? You will answer that even though the second Levi's father was established as a Levi, people will say that he married a mamzeres or the like, and that is why his son has the status of a Yisrael. If so, in the case of the Kohen people will also say that the father married a divorcee and therefore the son is not a valid Kohen!? **A:** The child of this Kohen's marriage would have the status of a Yisrael, and not a Levi. Since he is reading after the other Kohen, it must be that he is a valid Kohen, because if he wasn't, he would have to read after the Levi. Therefore, it casts suspicion only on the first Kohen.

Daf In Review – Weekly Chazarah

- **R' Yochanan's** concern is not for the people who remain in the shul for the entire Torah reading, because they will see that both Kohanim were included in the required number of people to get aliya, and as such, they would not think that either of them are passul. The concern is for the people who see the second Kohen get called up, but leave before the end of the Torah reading, therefore never knowing if both Kohanim were part of the required aliya or not.
- The people of the Galil asked **R' Chelbo**, who should get the Aliya after the Kohen and the Levi? He wasn't sure of the answer. They then asked **R' Yitzchak Nafcha**, and he said, next should be the talmidei chachomim who are the leaders of the tzibbur. After them should go the talmidei chachomim who are fit to be appointed as leaders of the tzibbur. After that should go the children of the leaders of the tzibbur. After them should go the gabba'im of the shul. After that anyone can get an Aliya.