

**אי איכא דאית ליה דינא ליעול –**

**If there is someone who seeks a judgment, let him enter**

**OVERVIEW**

and רב אסי while they were studying, would step out to the doorway and inquire if there are any pending cases, indicating that they would be willing to interrupt their studies and attend to these cases. תוספות derives a ruling from this episode.

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משמע דעדיף דין מתלמוד תורה<sup>1</sup> –

**It seems that passing judgment is superior to studying תורה.**

anticipates a difficulty: תוספות

והא דאמרינן בפרק בתרא דמועד קטן (דף יז,א) גבי ההוא<sup>2</sup> דטרקיה זיבורא ושכיב –

**And that which the גמרא states in the last פרק of מועד קטן regarding someone who was bitten by a bee and he died -**

עיילוהו למערתא<sup>3</sup> דחסידי<sup>4</sup> ולא קבלוהו<sup>5</sup> למערתא דדייני וקבלוהו –

**The attempted to bring him into the burial cave of the pious and he was not accepted; then the brought him to the burial cave of דיינים (judges) and they did accept him;** indicating that judges have a ‘lower’ level of piety than חסידים; why do we say here that judging cases is superior to studying תורה?!

replies: תוספות

**התם בדיינין שאינן מומחין שפעמים נוטין אחר השוחד<sup>6</sup>:**

**There we are discussing a burial cave of דיינין who were not proficient, for occasionally, they would be compromised by bribery.** However an authentic דיין is superior to one who only studies.

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<sup>1</sup> Otherwise, if ת"ת is מדין, עדיף מדין, why would they stop learning (and inquire [see [הת"ס]] in order to judge cases (they could have waited for people to come to them). See ‘Thinking it over # 1.

<sup>2</sup> This person (who was a צורבא מרבנן) was put in חרם by יהודה רב, for there were unsavory rumors about him.

<sup>3</sup> In the times of the גמרא משנה people were buried (in crypts which were hollowed out) in caves

<sup>4</sup> ולא עם that אבות פ"ב מ"ב states in משנה תורה as תלמוד תורה without חסידות as תוספות assumes that there can be no חסידות without תורה. See שפ"א. ת"ת. the main level of חסידות can be obtained only through ת"ת. הארץ חסיד

<sup>5</sup> See רש"י and תוס' ד"ה ולא תוס' there that a snake did not let then enter the cave. He was not worthy to be buried amongst them (see previous footnote # 2).

<sup>6</sup> See ‘Thinking it over’ # 2.

## **SUMMARY**

Judging cases is superior to studying.

## **THINKING IT OVER**

1. תוספות explains that עדיף מת"ת דין is <sup>7</sup>. Does תוספות merely mean to teach us that one is permitted/required to stop learning in order to be a דיין?<sup>8</sup>

2. תוספות explains that the person was accepted by the מערה of דיינין who were רשעים, so why does the גמרא tell us that he was accepted in their מערה?!<sup>10</sup>

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<sup>7</sup> See footnote # 1.

<sup>8</sup> See חת"ס.

<sup>9</sup> See footnote # 6.

<sup>10</sup> See מגדים חדשים and יד דוד מהוד"ב חת"ס (בד"ה ומה) and שפ"א.