



OVERVIEW of the Daf

1) The whip used for lashes

R' Sheishes in the name of R' Elazar ben Azaryah provides the source that the whip must be made of calfskin.

Tangentially, the Gemara cites other teachings from R' Sheishes in the name of R' Elazar ben Azaryah.

A Beraisa further elaborates on how the whip used for lashes was designed.

Abaye and Rava disagree about a particular aspect of the design of the whip.

2) Administering lashes

R' Kahana explains how we know that one third of the lashes were on the criminal's front and two thirds on his back.

R' Chisda in the name of R' Yochanan cites the source that the whip was doubled over.

The Gemara explains how we make two expositions from the word הפילו.

A Beraisa presents a dispute regarding the necessary characteristics for the one who administers lashes.

Rava explains why R' Yehudah's position is more logical and the Gemara relates how Rabanan respond to this proof.

Another Beraisa describes how lashes were administered.

Another Beraisa further describes the administering of lashes.

A contradiction with our Mishnah is raised and resolved.

A Beraisa discusses the prohibition against administering too many lashes.

A Beraisa presents three opinions about a possible exemption from further lashes for soiling one's self.

A possible contradiction in R' Yehudah's position is presented and resolved.

3) Fleeing from lashes

Shmuel asserts that one who flees after being bound to the post for lashes is exempt from lashes.

This position is unsuccessfully challenged.

A related Beraisa is cited.

4) MISHNAH: The Mishnah teaches that one who is lashed becomes exempt from kares. The topic turns to the reward for performance of a mitzvah or even refraining from transgressing a prohibition.

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REVIEW and Remember

1. How did Chazal regard one who disparages Chol HaMoed?

2. How does one become exempt from kares?

3. What three earthly enactments were accepted by the Heavenly Beis Din?

4. What are the three times that the Divine Spirit made a public appearance?

Distinctive INSIGHT

The various roles of the court officials in administering lashes
תנו רבנן הגדול שבדיינין קורא, השני מונה והשלישי אומר הכהו

Rambam (Hilchos Sanhedrin 16:11) writes that the leader of the Sanhedrin judges reads the verses as long as the lashes are administered. He reads the verses of 'ואם לא תשמור והפלה וגו' and 'לעשות וגו', as listed in the Mishnah. The second officer counts, while the third official tells the staff member to strike, and the lashes are only carried out as per these orders. צפנת פענח infers from the words of Rambam that the instructions to hit are not only given at the beginning, telling the staffer to begin, but also the command to hit is continually repeated during the entire process. Meiri also describes the process as we have described, and the explanation is that the condition of the sinner is monitored to make sure that he does not weaken, and that we have not made an error in over estimating the ability of the sinner to tolerate the lashes.

The Tosefta (4:8) uses a fascinating expression in describing this procedure. "One official says to hit, one counts, and one reads. There should be no alternating (לוא יהו מתחלפין עליו)." What does this mean?

חסדי דוד explains that the one who counts and the one who strikes the sinner should not exchange their positions in the middle of the process to have the counting one take over and hit, and the hitting person continue with the counting. The reason is that we are concerned that some confusion may occur, and the number of hits might be increased due to an error in counting. This also means that when our Beraisa states that "the leader (הגדול) should read," it does not mean that this is necessarily a more honorable task and must be done by the more prominent officer. Rather, before the procedure begins any one of the court officials may assume any of the roles. However, once the procedure begins, they should not exchange positions in the middle.

Aruch LaNer notes that the Beraisa requires that lashes are only given in front of a court which has three judges present. It is not sufficient for the court to declare its verdict and to delegate the implementation of its ruling to one or two officers. Where is the source for this requirement? The need to have three judges for the verdict is determined from the verse וּשְׁפֹטוּם, which is plural (minimum of two), and we need a third judge only in order that the court not have an even number. Lashes are indicated in the verse which states והפילו השופט, which is singular. Why do we need three judges to be present?

He answers that the verse לא יוסיף teaches that we must monitor the condition of the sinner with each strike, to make sure that we do not hit him too much. Therefore, if a decision might have to be made on the spot to adjust the number of hits and to change the court's ruling, we need three to be present. ■

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By Mr. & Mrs. Dennis Ruben in memory of
הילדה רבקה דינה ע"ה בת ר' דוד שיחי

HALACHAH Highlight

Counting Sefiras Haomer in unusual manners

ארבעים יכנו

He is to administer forty lashes

Teshuvos Pri Ha'aretz¹ discussed whether a person fulfills his obligation of Sefiras Haomer by counting, "Today is the fortieth day minus one." He writes that from the Mishnah (22a) it would seem that this is an acceptable manner of counting. R' Yehudah and Chachamim disagree whether one receives forty or thirty-nine lashes. The rationale behind Chachamim's position, as explained in the Gemara, is that the words במספר ארבעים—in the number of forty—is to be understood to mean that Bais Din should administer the number of malkus that will be one short of forty. If the term "forty" could be understood as the number that leads to forty certainly it should be acceptable to count thirty-nine by saying, "forty minus one."

Pri Ha'aretz also cites Maharash Halevi² who holds that one who tells a friend the correct number of the Omer to count with an acronym, for example he declares that it is Lag Baomer, does not fulfill the mitzvah. If, however, the person recites the beracha and then counted the day with an acronym the mitzvah is fulfilled. The rationale behind this distinction is that when one makes a beracha it is clear that his intent is to count the Omer to fulfill the mitzvah. As such, even though he counted in an unusual manner, since it is clear which night he is counting, the mitzvah is fulfilled. On the other hand, when he uses an acronym to inform his friend which is the correct number to count it seems that his intent was not to discharge his obligation and that is why he chose to relate the number in an unusual manner.

Mishnah Berurah³ rules that one who counts, "forty minus one," with the intention to fulfill the mitzvah has indeed fulfilled the mitzvah. Teshuvos Rivavos Ephraim⁴ questions whether the mitz-

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General comments about reward for mitzvos and why there are so many mitzvos are explained.

5) Lashes in place of kares

R' Yochanan notes that Rabanan disagree with R' Chananyah ben Gamliel's assertion that lashes absolves one from kares.

A Mishnah is cited as proof to this assertion but it is rejected.

R' Ashi explains how the Mishnah could follow Rabanan and is thus consistent with R' Chananyah ben Gamliel.

R' Ada bar Ahava in the name of Rav rules in accordance with the position of R' Chananyah ben Gamliel.

Abaye explains to R' Yosef how such a ruling could be issued.

6) Three enactments

R' Yehoshua ben Levi teaches that there are three enactments of the earthly Beis Din that were accepted by the Heavenly Bais Din.

R' Elazar highlights the three times the Divine Presence made a public appearance.

Rava challenges the proofs R' Elazar cited from verses and the Gemara concludes that these facts are known through tradition.

7) Mitzvos

R' Simlai broke down the number of mitzvos into positive and negative commands and explains the significance of each number. ■

vah could be fulfilled by counting day thirty-eight as "Forty minus two." The basis of his uncertainty is that according to Pri Haaretz one can count "forty minus one" since we find the Torah counts in such a manner but we do not find the Torah counting "minus two." His conclusion, however, is that the exposition is just an asmachta and any manner of referring to the day is considered fulfillment of the mitzvah and one should not count again with a beracha. ■

1. שו"ת פרי הארץ ח"א או"ח סי' י'
2. מהר"ש הלוי או"ח סי' ה'
3. משנה ברורה סי' רצ"ז ס"ק י"א
4. שו"ת רבבות אפרים ח"ה סי' שמ"ב ■

STORIES Off the Daf

A multitude of Mitzvos

רצה הקב"ה לזכות את ישראל לפיכך הרבה להם תורה ומצוות

A certain Jew once paid Rav Shlomo Zalman Auerbach, zt"l, a visit and aired an interesting complaint. "It is so hard to be a Jew! Every action is regulated by so many halachos. There are even halachos for how to put on your shoes in the morning. First the right shoe, then the left. And the laces must be tied in opposite order, first the left then the right. And the same is true regarding every second of each day. Even the most mundane acts are required to be done specifically according to their own halachos. How can we endure so

many obligations?"

Rav Shlomo Zalman's reply changed the questioner's view towards halacha. "Why look at it like that? Why not see the positive side of halachah? Everyone must put on his shoes each day, regardless of whether he follows halacha. Instead of being part of a mindless routine, the halachic order for putting on shoes makes even this mundane action a mitzvah. And the same is true of all the rest.

"This is an explicit mishnah in Makkos 23. There we find that God wished to make the Jewish people meritorious and He therefore gave us a multitude of mitzvos."¹

Once a worried chosid approached the Kotzker Rebbe and painfully confessed, "I used to spend the entire day immersed in Torah and prayer, but now that my family has expanded I am forced to spend more and

more time in business which leaves me that much less time for spiritual pursuits...."

The rebbe's reply energized the chosid. "In Makkos 23 we find that God wished to make the Jewish people meritorious and He therefore gave us a multitude of mitzvos. "But how is this to our advantage? The answer is that precisely because we have so many mitzvos, a Jew can always occupy himself with a mitzvah no matter what he is required to do. Even though you spend much of your day doing business, you can still be primarily concerned with mitzvos. If you spend your day focused on doing business honestly and being careful never to cheat your customers because this is God's will, your entire day will be filled with mitzvos."² ■

1. מעין הברכה סיון תשס"א ע' כ"ב
2. יינה של תורה אבות ע' כ"ג ■