

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

OVERVIEW of the Daf

1) Multiple assailants

A Beraisa presents a dispute whether multiple assailants who strike a victim one after the other are liable to execution.

R' Yochanan cites the source for each position.

Rava qualifies the extent of the dispute.

The Gemara further elaborates on the views of the Tannaim as explained by Rava.

A related Beraisa is cited that is consistent with the view of R' Yehudah ben Besaira recorded in the earlier -cited Beraisa.

2) Tereifah

The Gemara presents and elaborates on four teachings of Rava that relate to someone killing a tereifah or a tereifah killing someone else.

3) Murder by snake

R' Acha bar Yaakov explains the point of dispute between R' Yehudah and Chachamim.

4) MISHNAH: The Mishnah presents a dispute whether one is liable to execution if the victim recovered slightly before succumbing to his wounds.

5) Clarifying the dispute in the Mishnah

A Beraisa presents the source for R' Nechemiah's position that if the victim recovers slightly before succumbing to his wounds the murderer is exempt.

The exchange between R' Nechemmiah and Rabanan regarding their sources is recorded.

In the midst of this exchange the Gemara cites a Beraisa

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REVIEW and Remember

1. Explain the dispute between Tanna Kamma and R' Yehudah ben Beseirah?

2. Where is the venom in a snake?

3. According to the Torah, who is imprisoned?

4. What is the rationale why someone who intended to kill an animal but killed a person instead is exempt from execution?

Distinctive INSIGHT

How did Moshe know that the wood gatherer deserved death?

יודע היה משה רבינו שהמקושש במיתה שנאמר מחלליה מות יומת
אלא לא היה יודע באיזו מיתה נהרג

We find later (80b) that whenever a warning is issued to someone who is about to commit a sin, the Chachamim hold that it is not necessary for the witness to specify in his warning the precise death penalty which the sinner will face. The proof for this is the case of the wood gatherer who violated Shabbos, and who was put to death. We see from our Gemara that it was not even known which particular punishment he would get until after he sinned. We see, therefore, that when he was warned not to violate the Shabbos the warning could not have specified the type of death he was to receive. Rabbi Yehuda argues, and he holds that a warning is not valid unless the sinner is told the complete consequences he will face if he commits his sin, including the specific form of death he will receive. Rabbi Yehuda understands that the case of the wood gatherer was a הוראת שעה, an emergency exception, and the rule is not demonstrated by this case.

Rashi and Tosafos note that the Beraisa in our Gemara reflects the opinion of the Chachamim, and not Rabbi Yehuda. The Beraisa states that Moshe knew that the wood gatherer was deserving of death, but that he did not know which death he should receive. According to Rebbe Yehuda, though, the Beraisa should have said that Moshe was not even certain that the Shabbos violator was even deserving of death, because the warning was not specific and therefore inadequate, and when Moshe was instructed to put him to death this was a הוראת שעה.

Maharshal wonders why Tosafos is certain that the Beraisa can not be authored by Rebbe Yehuda. Perhaps, he suggests, even according to the opinion of Rebbe Yehuda, Moshe was aware that there would be a הוראת שעה allowing the wood-gatherer to be killed, even though the warning was sub-par. He answers that if Rebbe Yehuda would explain that Moshe knew for sure that the wood gatherer was deserving of death, then Rebbe Yehuda would have concluded from here that, in gen-

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Today's Daf Digest is dedicated
By Mr. & Mrs. Robert Hartman in memory of their father
ר' נתנאל בן ר' שמואל מרדכי ע"ה

Today's Daf Digest is dedicated
By Rabbi Eliezer Wolfson & family in memory of
אליעזר ליפמין בן דוד יוסף
ואלישבע רבקה בת ר' יחזקאל ז"ל

HALACHAH Highlight

Murdering a tereifah who could have been healed

הכל מודים בהורג את הטריפה שהוא פטור

All agree that if one kills a tereifah the murderer is exempt

Rambam¹ writes that one who murders someone who suffers from a mortal wound – tereifah, is exempt from execution only if the doctors confirm that they could not have healed the victim's condition. This implies that if the doctors tell us that they could heal a mortal wound the condition is not categorized as a tereifah. This ruling is seemingly contradicted from another ruling of Rambam. Rambam² writes that an animal that suffers from a mortal wound may not be consumed even if the doctors were to state that they could heal the animal from that mortal wound so that it would not die. This ruling indicates that the categorization as a tereifah is not dependent upon whether the condition could be healed. What is the resolution to these two contradictory rulings?

Keren Orah³ suggests that the distinction lies in the difference between animals and people. When we are told that an animal could be healed the doctors are not trusted but when we are told that a person could be healed they are trusted. Teshuvah Doveiv Meisharim⁴ adds that the difference could be a function of the fact that people have mazal as opposed to animals and that additional factors may assist in the healing process.

Minchas Chinuch⁵ asserts that the distinction has nothing to do with the difference between people and animals. The reason animals that have mortal wounds may not be eaten is that Halacha L'Moshe M'Sinai teaches that an animal with a mortal wound may not be consumed. Even if the doctors have the ability to heal the animal they cannot change the animal's halachic

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that discusses Moshe Rabbeinu's uncertainty related to the blasphemer and the one who gathered wood on Shabbos.

Another Beraisa is cited that presents the dispute between R' Nechemiah and Rabanan.

An anonymous Beraisa is quoted which the Gemara asserts follows the position of R' Nechemiah.

6) MISHNAH: The Mishnah discusses cases where there is a deficiency in the intent of the murderer and whether the murderer is executed under these circumstances. ■

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eral, warnings do not need to be punishment-specific, and not that the death penalty in this case was exceptional. Since we see that Rebbe Yehuda says that Moshe himself did not even know whether the wood gatherer deserved death or not, we see that Rebbe Yehuda holds that the warning itself was inadequate, and that is because a warning in general must be punishment-specific. Accordingly, when Moshe was told that the sinner should be put to death, it was the fact that he should be put to death that was a הוראת שעה. ■

status as indicated by Halacha L'Moshe M'Sinai that it is prohibited for consumption. The reason one who murders a tereifah is not executed is that the victim was going to die and it is considered as though he killed someone who was dead. Accordingly, if doctors could have healed him he is not categorized as dead and thus the murderer is fully liable to execution. ■

1. רמב"ם פ"ב מהל' רוצח הי"ח.
2. רמב"ם פ"י מהל' שחיטה הי"ג.
3. קרן אורה ליבמות ק"כ: ד"ה וכתבו.
4. שו"ת דובב מישרים ח"ג סימן כ"ז.
5. מנחת חינוך מצוה ל"ד אות ד'. ■

STORIES Off the Daf

Shabbos in Breslau

"מחלליה מות יומת..."

On today's daf we see the gravity of Shabbos desecration.

Once during the summer, Rav Yisrael of Ruzhin, זט"ל, was in Breslau, Germany for Shabbos. Breslau was a spa town where one could convalesce and strengthen his health, and that was the purpose of the Rebbe's visit.

On Friday, he saw the town's large Jewish population heading home from shul while it was still light, as was the cus-

tom in Germany then. To the Rebbe's shock, the people were carrying despite the town's absolute lack of an eruv. It was clear that they felt no inhibition for their sinful behavior.

He wondered aloud, "Twenty-four hours of chilul Shabbos is not enough for them so they extend Shabbos to desecrate it for a full twenty-six hours?"

But his next comment showed how to react when Shabbos is desecrated by those who don't know better. "Our sages teach that Moshiach will only arrive in a generation that is completely righteous or completely wicked, or חייב.¹ But how could a generation be completely righteous? And we know that a generation

cannot be completely wicked since we are promised, 'כי לא תשכח מפי זרעו' — For the Torah shall not be forgotten from the mouths of his children."

He continued, "Obviously this statement means that Moshiach will come in a generation where people are either completely wicked or completely righteous. It seems clear that the people here are ready for Moshiach, since they completely disregard the Torah. But we must also be truly ready from our side, by eradicating any negative behavior and fulfilling the mitzvos perfectly, so that we are completely righteous and Moshiach can come."² ■

1. סנהדרין, דף צ"ח
2. מעדני יוסף, ע' קי"ב ■