



## OVERVIEW of the Daf

### 1) Clarifying the Mishnah (cont.)

The Gemara completes the second version of the debate between Rabbah and R' Yosef regarding the point of dispute between Tanna Kamma and R' Yosi.

The Gemara unsuccessfully challenges one of the explanations of the dispute between Tanna Kamma and R' Yosi.

### 2) Delaying the carrying out of an execution

A Baraisa related to the prohibition against carrying out an execution is cited.

R' Yosef explains the rationale behind the Baraisa's ruling.

This explanation is unsuccessfully challenged.

3) **MISHNAH:** Laws related to a woman who was condemned to death are presented.

### 4) Executing a pregnant woman

The necessity for the Mishnah to teach that Beis Din does not wait to execute a pregnant woman is explained.

The reasoning behind this ruling is expounded.

This exposition is unsuccessfully challenged.

### 5) A woman on the birthstool

The reason we delay once a woman sat on the birthstool is explained.

### 6) Executing a pregnant woman

R' Yehudah in the name of Shmuel describes the procedure for executing a pregnant woman.

The implication that the mother dies before her fetus is unsuccessfully challenged.

### 7) Desecrating Shabbos for a fetus

R' Nachman in the name of Shmuel rules that we desecrate Shabbos to save a fetus whose mother died in childbirth.

Rabbah explains that it is even permitted to transport a

*(Continued on page 2)*

## Distinctive INSIGHT

### *The wig of a righteous woman*

בעי ר' יוסי בר' חנינא שער נשים צדקניות מהו ואמר רבא בפאה נכרית קמיבעיא ליה

The Mishnah taught that if a woman is put to death by the court, there is a case where her daughter may benefit from her hair. The Gemara notes that no benefit may be had from the body of one who dies, and even if the woman instructs that she permits her daughter to benefit from her hair after her death, the hair obviously remains prohibited. Rav explains that the Mishnah is therefore speaking about a wig which the woman was wearing when she is executed. It is secured to her body, and if she gives instructions that it be given to her daughter we treat it as if it is separate from her body, and the daughter may use it.

The Gemara points out that R' Yosi b. R' Yehuda posed an inquiry regarding a similar situation, and it remained unresolved. All property of a condemned city (עיר הנדחת) is prohibited from benefit and must be destroyed. R' Yosi asked whether the wig of a righteous woman must be destroyed. Is it part of her self, and she can take it with her, or must she leave it behind to be destroyed as part of the property of the city? If Rav is correct, why didn't R' Yosi resolve his issue from our Mishnah that the wig is a piece of property? According to Rashi's understanding, the Gemara answers that R' Yosi's inquiry was only regarding a wig which was not fastened tightly to the head of the righteous woman. Since it is only hanging onto her head it might be considered part of her body, or it might be judged to be separate and only a piece of property. In our Mishnah, if the woman says that she wants the wig to be given to her daughter she no longer considers the wig to be part of her body, and it is permitted.

Minchas Chinuch (Mitzvah 464: #26) notes that Rashi here explains that when a condemned idolatrous city is destroyed with its property, the property of the righteous is also destroyed, including their clothing. The only way a woman's wig could be spared is if it is considered to be part of her body. Yet, Rashi in Sanhedrin (112a) explains that the clothing of the righteous is saved, and the question regarding the wig hanging onto her head is whether it is considered to be the property of the righteous which is destroyed, or whether it is clothing, which is saved. If the wig was securely fastened onto her head, it would certainly be considered part of her body and it would be saved.

Minchas Chinuch answers that whether the clothing of the righteous in an idolatrous city is destroyed is a disagreement between R' Shimon and Rabbanan. Rashi in Sanhedrin explains that it is not destroyed, which is according to the view of R' Shimon. Rabbanan may hold that the clothing is destroyed, which is the approach Rashi uses in our Gemara. ■

## REVIEW and Remember

1. May an oral loan be collected from heir?
2. What is the procedure for executing a pregnant woman?
3. Why is it permitted to benefit from the hair of a woman who was executed?
4. What is the point of dispute between R' Meir and Rabbanan?

Today's Daf Digest is dedicated for the 5th yahrzeit of our mother, grandmother and great grandmother

Mrs. Edith Sheinfeld o'h , איטה פאגי בת אלימלך

From the Sheinfeld-Rimel-Chico, Elitzur and Siboni Families

# HALACHAH Highlight

## Cutting one's beard

שער נשים צדקניות מהו

What is the status of the hair of righteous women?

Teshuvus Shemesh Tzedaka<sup>1</sup> was asked to comment about the practice of the residents of Salonika who would force the people from Italy who were living in their community to grow their beards. In order to do so they threatened that if they do not allow their beards to grow they would chase them out of the area or isolate them from the rest of the community. Shemesh Tzedaka discusses whether there is a prohibition to cut one's beard, and he explained that the primary prohibition is kabbalistically based. According to halacha the prohibition is to destroy one's beard with a razor and it is permitted for one to cut one's beard with scissors. At the end of his analysis he concludes that his inclination is that it is permitted for one to cut his beard and the residents of Salonika do not have the right to impose their stringent opinion on the visitors from Italy.

Teshuvus Tzemach Tzedak<sup>2</sup> wrote at length about the topic and cited Poskim who reference Arizal who maintain that it is Rabbinically prohibited for one to cut his beard with scissors. Additionally, cutting one's beard violates the prohibition of a man grooming himself like a woman (לא ילבש). He further asserts that since the time of Har Sinai men have avoided cutting their beards even with scissors. Sefer Kli Chemda<sup>3</sup> suggested an interesting hint that men did not cut their beards. R' Yosi bar Chanina questions whether the hair of righteous women who lived in a subverted city is prohibited for benefit. Why did his question relate specifically to the hair of the righteous women rather than the hair of the righteous men? It must be that R' Yosi bar Chanina maintains that hair that will be cut is considered as though it was already cut and thus any hair that is normally removed would

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knife in a public domain in order to save the fetus.

The novelty of this ruling is explained.

### 8) Hair of an executed woman

Rav suggests a reason why it is permitted to benefit from the hair of an executed woman when it should be prohibited for benefit.

This explanation is challenged and Rav further explains that he refers to the woman's wig.

The implication of this explanation is unsuccessfully challenged.

R' Nachman bar Yitzchok rejects Rav's explanation and suggests an alternative explanation for the Mishnah's ruling.

Levi cites a Baraisa in support of Rav and another Baraisa in support of R' Nachman bar Yitzchok.

### הדרן עלך הכל מעריכין

9) **MISHNAH:** The Mishnah discusses the minimum and maximum that one would pay to fulfill an erech vow if he cannot afford the amount specified by the Torah,

### 10) Clarifying the Mishnah

The sources for the Mishnah's rulings regarding the minimum and maximum that one would pay to fulfill an erech vow are presented.

The Gemara explains the point of dispute between R' Meir and Rabanan concerning one who has only five selaim.

R' Ada bar Ahava discusses a case of a person who had only five selaim and pledged two erech vows and then used some of the money to fulfill each vow. ■

be considered detached. As part of his discussion he contends that the reason R' Yosi bar Chanina doesn't ask about the status of the beard is that the men did not cut their beards. ■

1) שו"ת שמש צדקה יו"ד סי' ס"א.

2) שו"ת צמח צדק (ליובאוויטש) יו"ד סי' צ"ג.

3) כלי חמדה פ"י כי תצא אות ז' עמ"י קצ"ו. ■

# STORIES Off the Daf

## The Preciousness of Time

שאינו מעניין את דינו

On today's daf we find that capital punishment cannot be deferred by lengthy delays.

One of the worst ills of our generation is wasted time. When Rav Moshe Feinstein, zt"l, heard that people were looking for ways to "pass the time," he jokingly remarked, "Let them give their extra time to me!"

The Arvei Nachal, zt"l, explains the

logical error of those who waste large tracts of time. "Time is life. It follows that during every second that passes, one undergoes a miniature death, since that moment will never return. Just as one would never want his life shortened—even slightly—he should not allow precious time to slip away for naught."<sup>1</sup>

The Kochvei Ohr, zt"l, provides a powerful parable to help internalize this fact. "Imagine one who is to be executed. He is being taken out to die at the appointed time. He is lead into a coach which begins to travel. Since he has no way to know where he is slated to die, he cannot tell how long he has. Will the coach arrive in one

moment, in a few hours, in a day or more?

"Even if he sees that it is taking a long time to arrive, or he is told that he has a day or more travelling, can you imagine that the man on death row will waste precious time for naught? He will surely use every instant to do teshuvah and think about his imminent journey to the next world. Although most people do not realize it, we are no different than this man. Although we may have years or decades, we are all travelling to the same destination. How can we justify wasting time for naught?"<sup>2</sup> ■

1. ערבי נחל, ויקהל

2. כוכבי אור ■