

## OVERVIEW of the Daf

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

R' Elazar in the name of Rav asserts that the entire Mishnah could be explained according to the position of R' Tarfon rather than assuming that the Mishnah is expressing contradictory positions.

R' Zevid of Nehardea is cited as rejecting this explanation and asserts that the entire Mishnah could be explained according to the position of Rabanan.

Ravina successfully challenges this explanation and offers his own explanation of the Mishnah.

A Baraisa is cited that supports Ravina's interpretation.

A second version of Ravina's statement is recorded.

### 2) Crouching on utensils

R' Elazar asserts that the Mishnah's ruling that crouching on utensils is unusual is limited to the animal crouching on large utensils but it is normal for an animal to crouch on small utensils.

A Baraisa is cited as proof to R' Elazar's qualification but it is rejected.

A second version of this discussion is recorded.

A third version of R' Elazar's statement is presented.

### 3) Identifying the ברדלס.

R' Yehudah and R' Yosef identify the ברדלס mentioned in the Mishnah.

This identification of the ברדלס is unsuccessfully challenged.

A contradiction between two statements of R' Elazar as to whether it is only snakes that are considered מועד is noted and resolved.

### 4) Lions

Shmuel rules that the owner of a lion that pounces and eats is exempt but if the lion tears the animal and eats the owner is liable.

The rationales for these rulings are explained.

The assertion that lions do not tear and eat is unsuccessfully challenged.

Ravina suggests another explanation for Shmuel's ruling.

This explanation is successfully challenged and Ravina offers an alternative explanation.

This explanation is unsuccessfully challenged.

5) **MISHNAH:** The difference between תם and מועד is explained.

(Overview...Continued on page 2)

Today's Daf Digest is dedicated  
 in honor of our 41st wedding anniversary  
 by Madeline & Justin Schwartz, Monsey, NY

Today's Daf Digest is dedicated  
 The Bider families  
 in memory of their mother and grandmother  
 מרת חנה בת ר' זאב וואלף, ע"ה

## Distinctive INSIGHT

### The punishment for not bowing for Modim

שדרו של אדם לאחר שבע שנים נעשה נחש, והני מילי דלא כרע במודים

The Baraisa had concluded with a cryptic remark which said that a person's spine turns into a snake after seven years. Ben Yehoyada explains that this means that seven years after a person's death, one's spine decomposes, and a slithery creature similar to a snake is formed from the remains. The Gemara clarifies that this is true only if a person did not bow while saying Modim. If a person bowed properly, he will not suffer this sad fate.

Tosafos (16b, ד"ה והוא) explains why this frightening outcome is appropriate measure for measure (מדה כנגד מדה) for a person who never bowed for Modim. The proper manner for bowing is to bend the head and body together to the point that one's head is at the height of one's waist. When rising back up, a person should first tilt his head back upright, and have his body follow the head until he is fully upright "like a snake". Rashi (to Berachos 12b) explains that a snake raises its head first, and its body follows. In rising in this manner and not suddenly, a person demonstrates that bowing down was not a burden for him. This is the proper way to have bowed and to rise up. When a person does not bow for Modim, he is punished by having his spine transform into being a snake-type creature.

Maharsha (ibid.) explains that bowing demonstrates that a person submits himself to serve Hashem with humility and contrition. This is the opposite of the nature of the snake, who, in Gan Eden, acted with impudence and impunity. When one bows, he is showing that he rejects this aspect of the snake, and that he is willing to humbly serve Hashem.

אדרת אליהו notes that the punishment should have been that one's spine should turn into a tree, or a piece of wood, as a response to his not having bowed down properly, and not to his spine being transformed into a snake, which represents his not having risen up properly. The more important gesture is the bowing, and not the rising up. Why does the punishment correspond to the lack of rising rather than to his not having risen properly? He answers that the truth is that the punishment should have followed the bowing, but if one's spine would change into a wood-like matter, the punishment would not be as apparent. In order for the response to be more obvious and the cause-and-effect be more pronounced, the punishment matches the person's not having stood up properly, rather than not having bowed down appropriately. ■

## REVIEW and Remember

1. Is it normal for an animal to crouch on utensils?  
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2. What is a ברדלס?  
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3. How do lions eat their prey?  
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4. What was Yirmiyah's curse against those who tried to kill him?  
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# HALACHAH Highlight

## Giving tzedaka at night

רבוננו של עולם אפ' בשעה שעושין צדקה הכשילים בבני אדם שאינם מהגנים

*Master of the world, even when they perform acts of charity make them stumble with people who are not worthy*

Sefer **ירגל ישרה**<sup>1</sup> explains that Yirmiyahu's wish was that those who wanted to kill him should only have the opportunity to give tzedaka during a time of Hashem's anger. The time of Hashem's anger is at night, as is known to those who are familiar with kabbalistic thought. Thus Yirmiyahu's desire was that they would give tzedaka at night and thus their mitzvah would be tainted as a **מצוה הבאה בעבירה**—a mitzvah that comes about from a transgression. He also mentions that it is said that Arizal did not give tzedaka at night.

Rav Yaakov Emden<sup>2</sup> cites the sefer **נגיד ומצוה** who writes that since the night is a time of **דין** justice—one does not have to be particular to give tzedaka before davening maariv as one should be before the other tefilos but one should not refrain from giving tzedaka at night to someone who is need of that money. Teshuvah Maharsham<sup>3</sup>, based on a Yerushalmi (Shekalim 5:4), holds that only anonymous (**מתן בסתר**) gifts may be given at night. It is said that Chasam Sofer<sup>4</sup> would give money anonymously before each and every tefila, even before ma'ariv.

Teshuvah B'tzeil Hachochmah<sup>5</sup> writes that the meaning of the concept that one should not give tzedaka at night is limited to actually giving the money to the poor at night but it is permitted

## 6) Defining עלייה

R' Elazar defines the term עלייה that is found in the Mishnah.

An exposition that supports this definition is cited.

## 7) Expositions of R' Elazar

Another exposition of R' Elazar is cited.

A dispute between R' Elazar and R' Shmuel bar Nachmani concerning the meaning of a verse in Yirmiyahu is recorded.

Each position is unsuccessfully challenged.

Rava expounds upon the last verse that was cited.

## 8) The burial of Chizkiyahu Hamelech

The Gemara begins to present a dispute about the burial of Chizkiyahu Hamelech. ■

to put money aside at night to be distributed on the following day. He also cites the Sefer **דרכי חיים ושלוש** who writes that at night he refrained from giving tzedaka but that was only when the need was not pressing but if there was a pressing need (**מצוה עוברת**) it is prohibited to send away the poor person without giving him tzedaka. The correct way to give tzedaka at night when it is necessary is to give it in the form of a gift rather than tzedaka and this practice sidesteps any of the issues associated with giving tzedaka at night. ■

1. ספר רגל ישרה המובא בספר מתיבתא בחלק פניני הלכה לדף ט"ז
2. סידור בית יעקב בית ה' בלילות לפני תפלת והוא רחום אות ב'
3. שו"ת מהרש"ם ח"ב סי' מ"ג
4. מנהגי חתם סופר פ"א אות ז'
5. שו"ת בצל החכמה ח"ג סי' ל"ב
6. ספר דרכי חיים ושלוש אות שי"ט ■

# STORIES Off the Daf

## Unworthy recipients

הכשילים באנשים שאינם מהגנים

Once, when the Brisker Rav, zt"l, took a stroll with the Rav of Charkov, zt"l, a very pushy Jewish beggar approached them, stuck out his hand, and barked, "Give money!"

Although the Rav of Charkov donated a small coin, the Brisker Rav ignored the aggressive man as he continued his constitutional. Although the beggar was very determined and kept pestering, the Rav of Brisk was completely indifferent to his demands.

After the angry beggar finally gave up, the Rav of Charkov asked the Brisker Rav why he had not just given him a small coin to avoid any possibility of transgressing the

Torah prohibition of failing to give money to a poor Jew? The Brisker Rav responded,

"In Mishlei the verse states, **תחנונים** —A poor person speaks with supplications.<sup>1</sup> Since he was so aggressive it is clear that he was no pauper. So why should I give him money?"<sup>2</sup>

The Brisker Rav was certainly aware of today's daf which recounts Yirmiyahu's prayer to Hashem that his opponents stumble by giving tzedakah to unworthy people—to give to those who are unworthy is a kind of curse.

Interestingly Rav Zusha, zt"l, learned this Gemara differently. He said, "Do you think that Yirmiyahu wished for revenge on his opponents, **חס ושלוש**? Clearly, he meant only for their good. This Gemara must be understood in the context of chazal's statement that we are judged according to how we judge. Yirmiyahu saw that his opponents were wicked, so he petitioned Ha-

shem to give them a chance to be judged favorably through being tested with unworthy persons. He knew that if his opponents judged these phonies kindly and donated to them despite their failings, Hashem would show his wicked opponents mercy **מדה כנגד מדה** and give them life from His 'treasury of unearned gifts'.<sup>3</sup>

The Eretz Tzvi, zt"l, pointed out that whether or not one receives reward for giving tzedakah to the unworthy depends if he gave **לשמה** or not. If he gave for his own honor, then he only receives a reward if the poor person actually uses the money for a worthy reason. But if he gave to a Jewish cause **לשמה** he receives credit even if it is not worthy.<sup>4</sup> ■

1. י"ח כ"ג
2. משלחן גבוה חלק ב' עמוד קל"א
3. מנורת זהב פרשת ראה ד"ה ואמר
4. ארץ צבי פרשת עקב תרפ"ד עמוד ר"ח