



## OVERVIEW of the Daf

### 1) Clarifying the dispute between Rebbi and Chachamim (cont.)

The Gemara unsuccessfully challenges whether Rebbi, in fact gives preference to the written form of a word (ש אס) (למסורת).

A related case is presented that leads to a discussion of the definition of כח כחו.

2) **MISHNAH:** The Mishnah discusses a case of throwing a stone into a public domain and a private domain. Abba Shaul extrapolates a halacha from the Torah's example of chopping wood.

### 3) Throwing a stone into the public domain

The Gemara questions the Mishnah's ruling that one who throws a rock into the public domain is exiled.

After many suggestions the Gemara accepts a circumstance in which the Mishnah's ruling would apply.

### 4) When the victim placed himself in the stone's path

A Beraisa presents the exposition that teaches that when the victim placed himself in the stone's path the thrower is not exiled.

The Gemara challenges whether the word ומצא refers to something found in the past or something that one will find.

Rava explains how the word has both meanings.

### 5) Wood chopping

Rava is asked how the Mishnah knows that the case of the Torah refers to one who was chopping wood as a voluntary act.

Rava answers this challenge by explaining that there is no mitzvah to chop wood for one's sukkah.

Ravina unsuccessfully challenges this explanation.

R' Ada bar Ahava and Rava discuss the meaning of the word אשר.

According to a second version this whole discussion revolved around the question of whether harvesting for a mitzvah is permitted during the shemittah year.

6) **MISHNAH:** The Mishnah discusses different relationships and whether one is exiled for killing another.

### 7) A father killing his son

A contradiction is noted whether a father is exiled for killing

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## Distinctive INSIGHT

### When a father disciplines his son

האב המכה את בנו והרב הרודה את תלמידו

Sefer **שושנים לדוד** notes that the Mishnah uses different terms for a father who strikes his son (מכה) and for a teacher who disciplines his student (רודה). The reason is that the halacha in the Mishnah which recognizes that a teacher who strikes his student in disciplining him is doing a mitzvah is only in the context of a rebbe who is teaching Torah to his student. There is a mitzvah for all to teach Torah, even to others' sons. There is no mitzvah, however, to teach someone else's son a trade. Therefore, a Torah teacher is doing a mitzvah when he disciplines his student, and the expression רודה is used, which indicates that this act directs the student to greatness. A father performs a mitzvah when he teaches his son Torah as well as when he teaches his son a trade. Therefore, the more generic term מכה is used, which simply describes the act of striking, without indicating that it is an act of causing the son to become great.

The Mishnah on עמוד ב' teaches that a father might end up going to a city of refuge as a result of striking his son and causing his accidental death. The Gemara struggles to understand how this can be so, when we just finished learning on עמוד א' that a father's actions of disciplining his son are always a mitzvah, and thus exempt from the laws of the city of refuge. The Gemara finally concludes that the Mishnah is dealing with a case where the father strikes his son while teaching him a trade where the son already has a skill which provides his livelihood. This particular instruction is not a mitzvah, and if the father accidentally kills his son, חס ושלום, he is eligible to go to the city of refuge.

Tosafos (ד"ה והא) points out that the Gemara could have presented a simpler scenario for the halacha in the Mishnah. A father is exempt from the halacha of a city of refuge only because the father is involved in a mitzvah whenever he disciplines his son. However, if the father is working in a forest and his tool slips and accidentally kills his son, the father would certainly be eligible for the city of refuge just like anyone else, as this is not a situation where the father is involved in a mitzvah.

Tosafos answers that if the Mishnah were speaking about a case where a father killed his son in a random accident, such as in a forest as described in the verse, there would be no חידוש in the words of the Mishnah. It must be that the Mishnah is dealing with a situation where the father struck the son in some scenario of discipline, and he is nevertheless exempt. ■

## REVIEW and Remember

1. What are the two definitions of כחו כחו?

2. What is the meaning of the word אשר?

3. What is a גר תושב?

4. Is a son exiled for inadvertently killing his father?

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 By Mr. & Mrs. David Friedman  
 לע"נ מרת רבקה בת ר' שרגא פאטעל, ע"ה

# HALACHAH Highlight

## Is there a mitzvah to build a sukkah?

כיון דאם מצא חטוב לאו מצוה השתא נמי לאו מצוה

Since if the wood was found cut there would be no mitzvah to cut additional wood, so too now there is no mitzvah

The Gemara relates that one who killed inadvertently while cutting wood for the purpose of building a sukkah is not considered to be involved in a mitzvah activity since there is no mitzvah to cut wood for a sukkah. Poskim debate the implication of our Gemara. Chelkas Yoav<sup>1</sup> maintains that there is no mitzvah, whatsoever, to build a sukkah and if one were to dwell in a sukkah that was already built the mitzvah is fulfilled in its entirety. Avnei Nezer<sup>2</sup> disagrees and maintains that it is only the cutting of the wood that does not constitute a mitzvah but the building of the sukkah does constitute a mitzvah. Netziv<sup>3</sup> in his commentary to Sheiltos notes that the language of Sheiltos also indicates that there is a mitzvah to build a sukkah since he mentions the obligation to build a sukkah and dwell in it for seven days.

The rationale to distinguish between cutting down wood and building the sukkah is based on the verse that states, **חג הסוכות תעשה לך שבעת הימים** – You shall make the festival of Sukkos for a seven-day period. The verse that utilizes language of making a sukkah, indicates that there is a mitzvah to make a sukkah. If one were to accept this conclusion a number of practical ramifications would emerge. One is that if there is a mitzvah to build a sukkah one would be required to build a sukkah even if one found a sukkah that was already built. Furthermore, it would be inappropriate to appoint an agent to build one's sukkah due to the principle of

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his son.

The circumstance in which the ruling of our Mishnah applies that the father is exiled is explained.

### 8) A son killing his father

The Mishnah's ruling that a son is exiled for killing his father is challenged.

R' Kahana offers one resolution to this challenge.

Rava suggests a second resolution to this challenge.

### 9) The inadvertent killing of a Jew

The Gemara explains that the Mishnah's ruling that anyone who inadvertently kills a Jew is exiled refers to a slave or a Cuthean.

This explanation is supported by a Beraisai.

One of the rulings in this Beraisai is challenged. ■

**מצוה בו יותר מבשלוחו** – it is a greater fulfillment to do a mitzvah personally than by a messenger.

Teshuvos Minchas Elazar<sup>4</sup> questions how Avnei Nezer can maintain that there is a mitzvah to build a sukkah when the matter is subject to a debate between Bavli and Yerushalmi whether one makes a beracha on the building of a sukkah. Yerushalmi records a beracha on the building of a sukkah whereas Bavli does not. The rule is that halacha follows Bavli over Yerushalmi, consequently, Shulchan Aruch<sup>5</sup> rules that we do not make a beracha on the building of a sukkah clearly indicating that there is no mitzvah to build a sukkah. ■

1. דבריו מובא בשו"ת אבני נזר דלהלן.

2. שו"ת אבני נזר או"ח סי' תנ"ט.

3. העמק שאלה על השאלות וזאת הברכה שאילתא קס"ט אות א'.

4. שו"ת מנחת אלעזר ח"ד סי' נ"ה. ■

# STORIES Off the Daf

## A part of Chinuch

"יצא האב שמחה את בנו..."

On today's daf we find that a father who strikes his son is not exiled because this is a mitzvah.

It is important to note the numerous potential pitfalls in fulfilling this complex mitzvah. The Sefer Habris explains that one who hits his child too hard, or pains him for no reason, violates both positive and negative Torah commandments.<sup>1</sup>

In addition, the Shulchan Aruch HaRav rules that one may not strike a child unless he does so to give moral direction. With any other intention—like when striking a stranger's child—it is forbidden since this is not for the child's benefit.<sup>2</sup>

When Rav Chaim Kanievsky, shlit"a,

was asked if one should hit nowadays, he replied, "You certainly must hit, but only at very rare intervals. If a child does a very serious action this is appropriate as the verse states clearly, 'חושך שבטו שונא בנו' — One who spares his rod hates his child.' Yet one may only hit with great discretion and understanding, since one who foolishly hits every day renders this punishment completely ineffectual and pointless."<sup>3</sup>

Rav Aryeh Carmel, ז"ל, once asked his Rebbe, Rav Dessler, ז"ל, "Psychologists say that hitting breaks a child's self-confidence, since his parent acts like his enemy if only for an instant. In addition, surely many people are prone to hit out of anger and not really to help their child?"

Rav Dessler replied to both claims. "As far as hitting in anger, this is absolutely forbidden, so it is not a consideration. A 'baal middos' or even someone who follows halachah never hits his child out of anger.

As far as breaking a child's self confidence, perhaps the very minimal amount of erosion as a result of proper hitting is the best thing for the child, since a feeling of absolute confidence is actually negative. If he feels that he knows best, how will he receive from his parents or teachers? In addition, too much self-assurance is one of the main reasons people reject Torah."

He concluded, "We must also consider that our desire to avoid hitting a child in any circumstance as a result of our great love for him may be a violation of 'חושך שבטו שונא בנו'. Perhaps our desire that the child have an overinflated self-confidence is the opposite of what is truly best for the child!"<sup>4</sup> ■

1. ספר הברית, ח"ב, מאמר י"ג

2. שלחן ערוך הרב, הלכות נזקי גוף ונפש, ס"ד

3. דרך שיחה, פרשת וירא

4. ספר זכרון לבעל מכתב מאלהו, קובץ

אגרותיו, ע' צ"ה וע' ת"ג-ת"ד ■