

OVERVIEW of the Daf

1) The stoning house (cont.)

The Gemara concludes its unsuccessful challenge to R' Pappa's source that the stoning house was located outside of the city.

R' Pappa explains how he is not disagreeing with the Tanna who seemed to offer an alternative source for this halacha.

R' Ashi suggests a third source for the halacha that the stoning house is located outside of the city.

This source is unsuccessfully challenged.

2) Paying for an execution

R' Huna explains that public funds are used to pay for the items needed for an execution but asks whether the flag and horse that could be used to save the defendant comes from public funds or the defendant.

A related question is presented and resolved but R' Huna's first question is left unresolved.

3) A student that becomes mute

R' Acha bar R' Huna asks what happens when a student claims to have grounds to acquit the defendant but becomes mute before he makes his presentation.

R' Sheishes dismissed the question but the Gemara rejects his dismissal.

An unsuccessful attempt is made to resolve this difficulty.

4) The defendant arguing for an acquittal

A contradiction between the Mishnah and Baraisa is noted whether the defendant must have substance to his claim for an acquittal.

R' Pappa resolves this contradiction.

Abaye explains how we know whether there is substance to the claim.

The reason this suggestion is not employed earlier is explained.

5) **MISHNAH:** The Mishnah continues to describe the events that preceded the execution.

6) The proclamation

Abaye adds another detail that was included in the proclamation.

It is noted that the proclamation went out as he was tak-

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Today's Daf Digest is dedicated
By Rabbi and Mrs. Sam Biber
In memory of their father
ר' משה בצלאל בן ר' יעקב הלוי, ע"ה

Distinctive INSIGHT

Drinking wine "l'chayim!"

אמר רב חסדא היוצא ליהרג משקין אותו קורט של לבונה בכוס של יין כדי שתטרף דעתו

When wine, or another intoxicating liquid is drunk, it is customary for each person to bless his fellow with the bracha "l'chayim." One reason for this is that when Noach became intoxicated from wine (Bereshis 9:21), he brought a curse upon the world, for he then cursed his grandson Canaan (ibid. 9:25). We therefore offer a prayer that this wine will generate only bracha and not a curse. According to Rabbi Yehudah bar Ilai (Bereshis Rabba 15:8), the tree from which Adam ate was a grapevine, and that was the fruit that caused curse and death to the world (Bereshis 3:19). This is why when we drink the fruit of the vine, we proclaim the blessing "l'chayim" in the hope that this wine will induce blessing.

The Gemara (Eruvin 65a) states that Rav Chanina said that wine was created only to console mourners and for retribution for the wicked, as we learn in Mishlei (31:6), "Give intoxicating drink to those destined to perish, and wine to the bitter souls." Accordingly, we express our blessing to one another that the wine we are now drinking should be for the needs of life rather than for consoling mourners. Our Gemara (Sanhedrin 43a) also states that one who is sentenced to death by the Beis Din is first given a quantity of levonah in a cup of wine as a tranquilizer. Thus, when we drink wine, we add a blessing in the hope that it may be for life – l'chayim.

Additionally, the Gemara (Shabbos 16b) relates that Rabbi Akiva made a feast for his son. On each cup that he brought to the table he said: "Wine and life for the mouths of the Sages and for the mouths of their disciples." This led to the custom of drinking "l'chayim." ■

REVIEW and Remember

1. Why do the items used for an execution come from public funds?
2. Why is the condemned prisoner given two chances to claim innocence without producing a substantive argument?
3. What is considered the equivalent of all the korbanos?
4. What is the point of dispute between R' Yehudah and R' Nechmyah concerning collective punishment?

HALACHAH Highlight

The response לחיים to someone drinking wine

היוצא ליהרג משקין אותו קורט של לבונה בכוס של יין

One who was being taken to be executed would be given a grain of frankincense mixed in a cup of wine

Kol Bo¹ writes that when a number of people are drinking wine together and one person is going to make the beracha for the others he should say סברי מרי – With your permission my masters or סברי מורי – with your permission my teachers. He offers a number of explanations for this practice. One explanation is based on the fact that there is a disagreement whether Birkas HaMazon is to be recited over a cup of wine. Accordingly, he asks permission from those present to recite Birkas HaMazon with a cup of wine despite the fact that the practice is subject to dispute. The other participants respond with the word לחיים – To life, to express their allowance for Birkas Hamazon to be recited over a cup of wine. The reason their permission is expressed with the word לחיים is based on our Gemara. In our Gemara we are told that a person who is being taken to be executed is given wine to drink in order to dull his senses. Therefore, the participants would say לחיים as if to say that this drinking should be for life rather than death. Another explanation is based on the fact that wine was the cause of Noach's cursing his grandson Cana'an. Therefore, the one who will lead Birkas Hamazon asks permission to drink the wine without concern for the curse that wine generated. The participants respond with the word לחיים to say that the drinking should be for life without curse.

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en to be executed rather than days in advance.

R' Yehoshua ben Levi describes the reward of one who slaughters his evil inclination and confesses his sins.

In another teaching R' Yehoshua ben Levi extols the virtue of one who is humbled by his sins.

7) **MISHNAH:** The Mishnah continues to describe the events that preceded the execution.

8) Achan

A Baraisa explains why Yehoshua asked Achan to confess his sin.

Ravina elaborates on how Yehoshua was able to extract a confession out of Achan.

Different opinions are cited regarding the number of bans that Achan violated.

The reason his punishment was delayed is explained.

9) Collective responsibility

A Baraisa presents the dispute between R' Yehudah and R' Nechemyah about collective responsibility. ■

Orchos Chaim² cites the explanations given by Kol Bo and adds an explanation of his own. The reason people say לחיים before drinking wine is that Adam Harishon drank wine when he made ברכת נשואין and became drunk from that wine. It was while he was drunk that he violated the command of Hashem and thereby introduced death to the world, therefore we declare לחיים to someone who will drink wine to express our desire that this drinking should not be the cause of death. ■

1. כל בו סי' כ"ה.

2. אורחות חיים מלוניל ברכת המזון סי' כ'. ■

STORIES Off the Daf

Slaughtering the Yetzer

”כל הזובח את יצרו ומתוודה עליו...”

The Beis Yisrael of Gur, zt”l, worked incessantly to encourage others to use every ounce of their strength to fight the yetzer hara. For tens of years, he acted like a general, imbuing his chassidim with the fortitude that enabled them to overcome many bitter tests.

Many chassidim remember his penetrating gaze that would sweep the room filled wall to wall with chassidim. It was when they had just finished saying the ten chapters of Tehillim that they recited

after every Mincha since the Yom Kippur war. His face radiated a glowing fire as he would intone, ‘זובח תודה יכדנני’!

Every man present knew exactly what he was referring to. On today's daf we find this verse as the proof of a very striking statement. “Rabbi Yehoshua ben Levi said, ‘Anyone who slaughters his yetzer by doing teshuvah and confessing his sin is considered to have honored Hashem in this world and the next. As the verse states, ‘זובח תודה יכדנני.’”¹

But of course, it takes a huge effort to overcome one's natural inclination to minimize and rationalize our flaws away. Yet this effort is well worth it. The Toras Avos of Slonim, explains this in his insightful way. “First one must slaughter

his yetzer by mustering up all of his strength to force himself to overcome his evil inclination. Even though he is filled with longing for what he knows to be wrong, he forces himself to abstain, even though in his gut he doesn't yet feel his behavior was so negative. But if he forces himself despite his inability to grasp why in much more than an intellectual way, the Mishnah in Avos is fulfilled in him. ‘Nullify your desires before Hashem's will.’ After bending his yetzer to Hashem's will, he will begin to feel how truly reprehensible his old ways were and he is able to say viddui from the bottom of his heart.”² ■

1. פאר ישראל, ח"ג, ע' קי"י

2. תורת אבות, ע' רנ"א ■