

OVERVIEW of the Daf

1) The adulterous daughter of a kohen (cont.)

The Gemara concludes the exchange between R' Akiva and R' Yishmael about determining the correct death penalty for the daughter of a kohen.

R' Ashi points out that the practice to dishonor a parent of a sinful child is based on the Baraisa just cited.

2) Clarifying the Mishnah

The last phrase of the Mishnah is explained.

3) **MISHNAH:** Tanna Kamma and R' Yehudah disagree about how to properly execute someone by burning. R' Elazar ben Tzadok and Rabanan discuss whether a person deserving of burning is killed by lighting a fire around the criminal.

4) Execution by burning

R' Masna explains the term פתילה.

Two different sources are given for the ruling that hot lead is poured down the throat of someone deserving of execution by burning.

The exchange between these two opinions is recorded.

Tangentially the Gemara records the conversation Nadav and Avihu had that caused their death.

R' Elazar describes how a Torah scholar loses respect in the eyes of an ignorant person.

The Gemara relates that R' Chama bar Toviah executed a kohen's daughter for adultery and made two errors in his ruling.

5) Burning with an external fire

R' Yosef explains that the Beis Din that executed someone by burning her in a fire was a Beis Din of Tzedukim.

The assertion that it was a Beis Din of Tzedukim is challenged.

The Gemara resolves the challenge by noting that there were two incidents and explains which incident happened first.

6) **MISHNAH:** Tanna Kamma and R' Yehudah discuss the proper method for beheading.

7) Clarifying the dispute

A Baraisa records more of the exchange between Tanna Kamma and R' Yehudah.

8) Executing a murderer

A Baraisa is cited that identifies the source that a murderer is executed by beheading and how the beheading is performed.

9) **MISHNAH:** The Mishnah describes how strangulation is performed.

10) Strangulation for adultery

A Baraisa presents a number of expositions of the pasuk that addresses the punishment for the adulterer as well as how we know how to perform strangulation. ■

Distinctive INSIGHT

Examples of שריפה in the Torah

וכבר היו משה ואהרן מהלכין בדרך ונדב ואביהוא מהלכין ואחריהן ... אמר ליה נדב לאביהוא אימתי ימותו שני זקנים הללו וכו'.

Earlier on the daf, the Gemara mentioned that the death penalty of שריפה is where the shell of one's body remains intact, but one's innards are burned. Two possible sources where we find this manner of death are cited. The Gemara states that this was the death experienced by the gang of Korach, although R' Elazar disagrees and says that the people who sinned with Korach were totally burned. Rather, he claims that the source for a death affecting only one's נפש and not one's body is the manner of death of Nadav and Avihu, two of the sons of Aharon.

As Rashi explains, as the discussion regarding שריפה comes to its conclusion, the Gemara uses the opportunity to elaborate upon the story of Nadav and Avihu, and we therefore find the story of how these two men walked behind Moshe and Aharon and how they considered the day when they, too, would lead the nation.

Maharsha explains that the Gemara's view holds that the sin of those who were with Korach was that they brought a foreign incense offering (קטרת), and it is regarding this sin that the Torah states (Bemidbar 18:7): "והזר הקרב יומת—a foreigner who comes close shall die." The death referred to is a heavenly death, which is where the person's soul is burned but where the body remains intact. R' Elazar disagrees and contends that the sin of those who joined Korach's gang was that they brazenly challenged the honor and authority of Moshe and Aharon. Regarding this sin, the verse says (Mishle 14:30): "Jealousy rots the bones." According to R' Elazar, the fate of these people was not שריפה, but that they were completely consumed by fire.

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REVIEW and Remember

1. What was the procedure for execution by burning?

2. What did Hashem decide to take the lives of Nadav and Avihu?

3. What was the procedure for execution by beheading?

4. How do we know that the phrase מות יומת refers to death by strangulation?

HALACHAH Highlight

Calling a child for the maftir aliyah

And we do not bring proof from a child

Here is a discussion amongst the Poskim regarding the permissibility of calling a minor to the Torah for the maftir aliyah on Shabbos and Yom Tov. Bach¹ wrote in support of the practice and at the end of his teshuvah he relates the following. He testifies that his father purchased for a large sum of money the maftir and haftorah on the last day of Pesach and gave it to him (the Bach) even though he was a minor at the time. This incident occurred in the Beis Haknesses of Maharshal and if his recollection is accurate, Maharshal was present when this event occurred and did not protest against it. Sefer Moshe Yedaber² questioned the validity of this proof based on the principle recorded in our Gemara, namely, that one can not bring proof from a minor. How then could we accept the testimony of Bach regarding an event that took place while he was yet a child?

Teshuvos Tzitz Eliezer³ disagrees with the application of this principle to our case. He first cites numerous later authorities who cite this teshuva of Bach as authoritative. Secondly, he writes that the principle that we do not bring proof from a minor is limited to circumstances that require testimony but in this case all Bach did was reveal information (גילוי מילתא (בעלמא). Maharshal's position permitting minors to be called for the maftir aliyah other than Parshas Zachor is well known. Consequently, Bach wasn't introducing new information; he was merely reinforcing what was already known by citing an

ואיו מביאין ראיה מן הקטן

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According to Maharsha, at this point of the Gemara we are searching to explain the first opinion which said that Korach's supporters did, in fact, receive שריפה for bringing foreign incense, and the situation with the sons of Aharon was not שריפה, but that they died by being completely burned. What, then, was their sin, if not their bringing a foreign incense offering? It is in reference to this question that the Gemara responds, "וכבר—and it was already an issue as Nadav and Avihu were walking behind Moshe and Aharon..." In other words, the Gemara is not simply elaborating upon the story of the death of Nadav and Avihu which was mentioned earlier, as Rashi says. Rather, the Gemara is completing its discussion between the two views regarding the source in the Torah from where we find an example of שריפה. And more specifically, it is pointing out why the first opinion does not feel that the death of Nadav and Avihu was a bona-fide case of שריפה. They died due to the jealousy they harbored for the leadership role held by Moshe and Aharon. ■

incident in which Maharshal seems to have allowed a minor to be called for the maftir aliyah. After a lengthy analysis of the different issues involved Tzitz Eliezer comes to the following conclusion. In those places and times where the custom is to call minors for the maftir aliyah, for example, the Shabbos before his bar-mitzvah, there is no reason to refrain from calling up the child even if the maftir is a special reading to mark a festival, e.g. Chanukah, Yom Tov, Rosh Chodesh, the Four Parshiyos with the possible exception of Parshas Zachor. ■

1. שו"ת הבי"ח סי' קנ"ה.
2. ספר משה ידבר ומובא טענותיו בשו"ת צי"א דלקמן.
3. שו"ת ציץ אליעזר ח"ז סי' א' ענף ז' אות כ"ב. ■

STORIES Off the Daf

"When will these two die?"

"אימתי ימותו שני זקנים הללו..."

Rav Elimelech of Lizhensk, ז"ל¹, was anxious that his son Rav Eliezer, ז"ל¹, succeed him in leading his chassidim. But of course this could never be like the mere dynasty of a king who bequeaths the kingship to his son no matter the worthiness of his scion. The chassidim needed an exceptional guide who did his utmost to perfect himself and continue ascending in avodas Hashem. In order to ensure that his son was not resting on

his impressive laurels, Rav Elimelech would give him mussar every so often to galvanize him to further efforts. "We find in Sanhedrin 52 that when Moshe and Aharon would walk in front of the nation, Nadav and Avihu would follow them. Nadav said to Avihu, 'When will these old-timers die and you and I will lead the generation?'"

Rav Elimelech explained, "Know my son that Nadav and Avihu were very great tzaddikim. But even so, they would wonder from time to time whether they were really on the level for the job of leading the nation. This is the meaning of their strange words. Nadav asked 'When?' When will we make a real

cheshbon hanefesh? 'These two elders will eventually die and it will be up to us to shoulder the burden of leading the generation.' It is our task to continually make a cheshbon hanefesh whether we are worthy of taking their place..."

Rav Elimelech sighed and concluded in a very moving matter. "The younger generation always feel worthy of filling in the shoes of their elders. In truth they need to work hard to much improve themselves in holiness and purity. They do this by following the ways of their elders and delving deeply in Torah and avodah. It is only in this manner that one can possibly be fitting to lead."¹ ■

1. יגדיל תורה, ח"ג, ע' קכ"ד ■