

OVERVIEW of the Daf

1) Strangulation for adultery (cont.)

R' Yoshiya's opinion in the Beraisa is unsuccessfully challenged.

2) Stoning

The Mishnah later derives other cases of stoning from a gezeirah shavah from Ov and Yidoni. R' Zeira questions whether it is the words **מות יומתו** or the words **דמיהם במ** that are used to make that gezeirah shavah.

Abaye answers that it is from the words **דמיהם במ**.

Abaye's explanation is defended.

R' Acha of Difti questions what would have bothered R' Zeira had the gezeirah shavah been made from the words **מות יומתו**.

After R' Acha of Difti suggests and rejects a number of possible explanations Ravina explains what was troubling R' Zeira.

3) **MISHNAH:** The Mishnah enumerates the transgressions that carry the execution method of stoning.

4) R' Yehudah's position

The Gemara explains the rationale behind R' Yehudah's position which is built on the principle that kiddushin does not take effect with a woman prohibited by an ordinary prohibition.

The assertion that R' Yehudah maintains that kiddushin does not take effect with a woman prohibited by an ordinary prohibition is unsuccessfully challenged.

R' Yitzchok cited a Beraisa that supports our present understanding of R' Yehudah's position.

Abaye suggests one source that one is not liable for the

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Distinctive INSIGHT

The source of the גזירה שוה to apply stoning to other cases
 ואלא מכה אביו ואמו קא קשיא ליה, למיתי ולמיגמר מאוב וידעוני וכו' ליגמרו מאשת איש, דאי אתה רשאי למושכה להחמיר עליה וכו'

The Mishnah of אלו הן הנסקלין at the bottom of 53b lists many cases which are punished with stoning. R' Zeira notes that the Torah only specifies stoning explicitly in a handful of cases, while the other cases are learned using a גזירה שוה from אוב וידעוני. Rashi states that the cases where we find stoning explicitly are idolatry, adultery of a betrothed maiden, violating the Shabbos, sorcery and cursing the name of God. Aruch LaNer points out that there are three additional cases where we find stoning mentioned outright (i.e., submitting one's children to Molech, inciting others to idolatry, and an recalcitrant son—ומורה (בן סורר ומורה). In any case, there are several cases of stoning which are derived from the גזירה שוה. R' Zeira asks Abaye to identify the source from which this lesson is learned; is it the words "מות יומתו" or is it the words "דמיהם במ"?

Abaye answered that they are learned from the words "דמיהם במ," and the words "מות יומתו" are used to teach another halacha, that if the prescribed death penalty for a particular case cannot be applied, we should use any method available to put the criminal to death.

The Gemara notes that R' Zeira was satisfied with this answer, and had Abaye responded that the גזירה שוה is learned from "מות יומתו" he would have had a problem. The Gemara probes to find what that problem would have been. One suggestion is that if the words "מות יומתו" indicate that the death penalty of stoning is applied, R' Zeira felt that the case of striking one's parent (and drawing blood) would deserve stoning, whereas we know that it gets strangulation (חנק), due to a different גזירה שוה to adultery. The Gemara quickly notes that this would not have been a problem, because the rule is that when we have a choice of two גזירות שוות, we always use the more lenient of the two. Here, we would certainly learn striking a parent from adultery and that it would be liable for strangulation, rather than learn it from אוב וידעוני and have it be liable for stoning.

Rather, the Gemara concludes that R' Zeira would have been bothered by all other unspecified cases where the words "מות יומתו" appear. If these words are the link by which we derive the appropriate death penalty in these cases, we would incorrectly associate them to adultery and conclude that they receive חנק, and not connect them with אוב וידעוני and the penalty of סקילה.

Tosafos points out that the rule is that unspecified מיתה

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REVIEW and Remember

1. Which transgression serves as the source for other transgressions?

2. What is R' Akiva position regarding which marriages do not take effect?

3. What is an איסור קדושה?

4. According to Rava, what is the source of R' Yehudah's position?

HALACHAH Highlight

The mitzvah to listen to the words of Chazal

שמצוה לשמוע דברי חכמים

For it is a mitzvah to listen to the words of Chazal

Minchas Yitzchok¹ has a lengthy discussion about the correct placement of the bimah in shul. He notes that although Rambam² explains that the placement is so that people could hear, implying that placement is just a means to assure that the people could hear, nevertheless, the requirement is that it must be in the center in all circumstances. Even in a small shul where it will be possible to hear wherever the bimah is placed the requirement is that it should be in the middle. In fact, the sources for this halacha in Chazal do not give a reason for this requirement that the bimah is in the center to indicate that the requirement applies in all circumstances.

As precedent for this idea he quotes the introduction to Teshuvos Teshuva Ma'ahava who gives an example of Avtalyon's aphorism (Pirkei Avos 1:11), Scholars be careful with your words so that the students that follow are not led to error or mistake. The Mishnah³ rules that one may not read by the light of a lamp on Shabbos. The Tosefta⁴ adds that the reason is out of fear that one will make an attempt to fix the light. R' Yishmael ben Elisha decided that he could read by

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in the Torah already refers to חנק, so why would a גזירה שוה be needed unless to link these cases to אוב וידעוני and סקילה? He answers that the intent is that we would have wrongly used a גזירה שוה to רוצח (murder) and assign them the penalty of סייף. ■

the light of a lamp because he will be careful not to touch the lamp. One Friday night as he was reading he reached out his hand to adjust the light and when he caught himself he exclaimed with the words, "How great are the words of Chachamim who said not to read by the light of the lamp." Explains Teshuva Ma'ahava that R' Yishmael ben Elisha was praising the wording of Chazal in the Mishnah as opposed to the Tosefta. The Mishnah did not give a reason for the restriction and thus there is no room for a person to think that there is an exception to the rule. In contrast, the Tosefta gave a reason for the ruling which led R' Yishmael ben Elisha to think that there could be circumstances when the restriction does not apply. Similarly, Chazal did not offer a reason for the requirement to place the bimah in the center of the shul so that no one should think that there are exceptions to the rule. ■

1. שו"ת מנחת יצחק ח"ג סי' ד' אות י"י.

2. רמב"ם פי"א מהל' תפילה ה"ג.

3. ע' גמ' שבת י"א :

4. גמ' שם י"ב : ■

STORIES Off the Daf

The honor of Shabbos

"מחלליה מות ימות..."

On today's daf we find that one who violates Shabbos receives the death penalty.

Rav Chaim Mordechai of Nadvorna, zt"l, was once beginning his tisch for the third meal of Shabbos and paced the floor in great dveikus when suddenly he noticed smoke emerging from the chimney of a nearby bakery. Obviously someone was working at a Jewish-owned bakery on Shabbos. The rebbe immediately rushed out to the owner, taking him to task for daring to violate the holy Shabbos.

His chassidim who had followed him out were astounded since the owner of the bakery was a big supporter of Nadvorna at that time—he was paying most

of their expenses—yet the rebbe treated him like he would have treated any Jew caught doing a serious crime.

The baker became very angry but he tried to explain that he himself was not actually violating the laws of Shabbos at all. "Of course no Jew is baking there. A small fire remained from before Shabbos and my non-Jewish workers are doing all the baking. I stand to lose a fortune of money if I cannot compete with bakeries that have fresh goods ready the instant Shabbos is over. Besides, what if someone needs a challah or a non-Jew wants a pastry? Why should I have to take a loss if I can arrange non-Jewish workers?"

The rebbe did not countenance this for an instant. "Either you close your bakery immediately and throw out everything baked by your non-Jewish workers right now in front of everyone, or I go to every shul in our city and announce that no Jew is to buy your goods at all."

The man immediately followed the rebbe's instructions to the letter without another word of protest.

It goes without saying that from that day he stopped supporting the rebbe and this represented a loss of his main source of livelihood at that time. Nevertheless, the Nadvorna Rebbe did not think for a moment about compromising the holy Shabbos for his personal gain.¹ ■

1. הרב מרדכי גרליץ שליט"א, "תוספת-המודיע" י"ב טבת תשס"ח, ע' כ"א

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prohibition of cohabiting with one's father's wife when one cohabits with his mother.

This source is rejected and R' Acha the son of R' Ika offers an alternative source for this ruling.

This source is also rejected and Rava suggests another source for R' Yehudah's ruling. ■