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כתובות ל׳
CHICAGO CENTER FOR Torah & Chesed
בס״ד

OVERVIEW of the Daf

1) The source that a fine is collected even if the violator may not marry his victim (cont.)

The third difference between the opinions of Shimon Hatimni and R' Shimon ben Menasya is challenged.

A fourth difference between these two positions is identified.

R' Chisda notes that according to all opinions, i.e. the Tanna of our Mishnah and Shimon Hatimni and R' Shimon ben Menasya, one who violates a niddah is obligated to pay the fine.

2) Kares and payment

It is noted that our Mishnah that punishes a violator to pay a fine even if he is subject to kares for violating a relative is inconsistent with R' Nechunyah ben Hakanna who maintains that when one is subject to kares he is exempt from payment.

Abaye presents a source for R Nechunyah ben Hakanna's position.

The source is unsuccessfully challenged.

The Gemara digresses to discuss whether heat and cold as well as death by lions and thieves is in the hands of Hashem or man.

Rava offers an alternative source for R Nechunyah ben Hakanna's position.

An inquiry is made regarding the difference between Abaye's and Rava's approach.

The Gemara suggests a case that Abaye and Rava would dispute.

This explanation is challenged.

Three resolutions are offered to explain the case that is the subject of the dispute between Abaye and Rava. ■

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By Mr. and Mrs. Michael Allen
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Distinctive INSIGHT

Rabbi Nechunia ben Hakanna and his definition of "אסון"

נאמר אסון בידי אדם ונאמר אסון בידי שמים

The Gemara taught that when a person is culpable in Beis din for his life, he is not obligated for any monetary payments associated with his crime. For example, if someone lights a fire on Shabbos, thereby burning the property of his neighbor, because he is liable for the death penalty for violating Shabbos, he does not have to make monetary restitution for the damaged property he caused. Rabbi Nechunia ben Hakanna adds that the halacha of being exempted from monetary obligations also applies to a case where a person is liable for kares. An example of this would be where a person lights a haystack of his friend on Yom Kippur, where the punishment is כרת for violating Yom Kippur. Again, no financial restitution would be required for the damage he did to property.

The proof of Rabbi Nechunia is that we find the word "אסון" written in reference to death by man (in Shemos 21:22), and we also find the word "אסון" used in reference to a calamity which is not by man ("from heaven"). The association teaches that each case has a similar outcome regarding court proceedings and the exemption from monetary obligations to a person who is either liable for death by the court (מיתה בידי אדם) or from heaven (כרת).

The verse cited which uses the word "אסון" in reference to a heavenly misfortune is from Bereshis 42:38, where Yaakov expressed concern that Binyamin would meet with adversity (וקראהו אסון) if he would join the brothers to go to Egypt. The Gemara analyzes this statement to show that Yaakov was not only concerned about Binyamin being the victim of an incident caused by man, but also one brought about from the heavens.

Chasam Sofer points out that the Gemara first challenged this point, thinking that Yaakov was afraid that Binyamin would meet with harm as did his brother, Yosef. Yaakov said: "כי אחיו מת", thus showing that he worried that just as Yosef met his end by being torn by a wild animal (טרף טרף יוסף), which the Gemara defines as not being from the heavens, so too, would Binyamin be confronted by people. This being the case, the word "אסון" would not denote a fate caused by a heavenly action. However, the Gemara concludes that Yehuda also said "ועזב את אביו ומת." Rashi to Bereshis 44:22 comments that Yaakov was afraid that Binyamin might die as did his mother. Just as Rachel died on the road, and from heavenly causes, so would Binyamin suffer his demise on the road, and from heavenly causes. Therefore, the Gemara concludes that "אסון" actually refers to either type of calamity. ■

HALACHAH Highlight

The burial place of someone executed by non-Jews

ומי שנתחייב הריגה או נמסר למלכות או ליסטים באין עליו

And one who is liable death [by the sword] is either taken by the government or attacked by armed robbers

There was once a Jew who was murdered by a non-Jewish murderer and the question arose where he should be buried. Should he be buried in the family plot or perhaps he should be buried in another location. The reason for doubt was that there were those who claimed that since he was killed by a non-Jew, his death is a fulfillment of the capital punishment of הרג—death by the sword, and a person who is put to death by one of the four penalties is not buried in the family plot. Since the members of the Chevra Kadisha were out of town the question was presented to Rav Moshe Sofer, the Chasam Sofer for a response.

Chasam Sofer[1] responded that he searched the writings of the Rishonim and did not find a reference to this principle. Furthermore, he finds it difficult to believe that one can assume that anyone who is murdered by a non-Jew was deserving of death by the sword in Beis Din when R' Akiva and his contemporaries were murdered by non-Jews. Additionally, Chazal were very careful with their language. They did not write that one who is taken by the government was liable to death by the sword, which would lend credibility to the suspicion that this fellow was liable to death, but rather they wrote that one who is liable to death by the sword will be given to the government, which allows for a person to be taken by the government who is not liable to death by the sword. Therefore, concluded Chasam Sofer, if he was not asked the question he would have allowed them to follow the local custom but once the question was raised he feels compelled to respond according to his understanding of the halacha which is that the deceased should be buried in the family plot. Rav Chaim Chezkiyahu Medini[2], the Sdei Chemed cites a ruling in Shulchan Aruch that supports this conclusion. Shulchan Aruch[3] ruled that nothing is withheld from the funeral of someone who drowned or was killed by an animal. Rav Yehoshua Falk[4], the Perishah, explains that since Chazal taught that the judgment for the four capital crimes was not nullified we should treat these people as though they were killed in Beis Din, therefore Shulchan Aruch rules that nothing is withheld. ■

1. שו"ת חת"ס יו"ד סי' של"ג.
2. שדי חמד מערכת אבילות סי' קס"ט.
3. שו"ע יו"ד ס"ס שמ"ה.
4. פרישה שם. ■

REVIEW and Remember

1. What is the unique feature of the Kohen Gadol's restriction to only marrying a בתולה?

   _____

2. Explain the position of R' Nechunyah ben Hakannah?

   _____

3. How are the capital punishments administered without the Sanhedrin?

   _____

4. At what point in the eating process does a non-kohen become liable if he eats terumah?

   _____

STORIES Off the Daf

The Third Day

"דין ארבע מיתות לא בטלו..."

We find on today's daf that even though Beis Din no longer issues the death penalty, people who are liable for death can die from their sin all the same. Of course there are many levels to this, but we see that sin definitely can harm or kill one even in this world.

Once, a simple man came to the famous Yismach Yisroel, zt"l,. The man was obviously in great distress and poured out his heart to the Rebbe. "My wife received a nasty burn a few days ago and it seems to have gotten worse. It's so bad now that she has trouble sleeping. She is in so much pain we just can't take it anymore! Rebbe, please daven that she recover!"

"I will definitely daven for you—Hashem will surely help!" said the Rebbe to the dismayed man.

"But," the Rebbe added, "You must promise me that from now on there will be no more chilul Shabbos in your house!"

The man promised that from that moment they would start keeping Shabbos properly in his home.

After the man left, the Chassidim in attendance expressed their amazement, "How did the Rebbe know that the man needed to be encouraged to observe Shabbos properly? Surely this was a 'mofes,' a wonder!"

The Rebbe smiled and said, "This was no מופת, I merely listened carefully to what the man was saying. He said that today, Monday, the pain has gotten worse. I understood that today was probably the third day, as the verse says: 'And on the third day, when they were in pain.' Do you think it likely that she got burned on Shabbos from her pot of cholent that is kept in the communal oven in the bakery? Most likely she had a fire going and got burnt while being mechalel Shabbos. Clearly, it was incumbent on me to adjure him to learn from this and keep Shabbos properly from now on!" ■

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