

OVERVIEW of the Daf

1) Executing an adulterous נערה (cont.)

The Gemara concludes citing the Baraisa that presents the different methods of executing a נערה who had an adulterous affair.

The last ruling of the Baraisa, namely, that a נערה who has an extramarital affair is killed by strangulation rather than by stoning, is challenged.

Rava dismisses the challenge.

R' Huna the son of R' Yehoshua successfully challenges Rava's position on the matter.

R' Nachman bar Yitzchok offers an alternative method of resolving the contradiction.

This explanation is successfully challenged.

R' Yochanan is cited who rules that such a girl is executed with stoning as suggested.

R' Yochanan's ruling is unsuccessfully challenged.

R' Chananya asks R' Ila why, according to this explanation, is the defamer exempt from payment?

R' Ila refused to even entertain this suggestion, and the Gemara provides the rationale behind R' Ila's position.

2) The location of the betrothed נערה's stoning

A Baraisa presents the rules for determining the location where the adulterous נערה and an idol worshipper are stoned.

The source for this ruling is identified.

The source is unsuccessfully challenged.

It is noted that this source teaches about where the idolater is stoned but is not a source to where the adulterous נערה is stoned.

R' Avahu cites a collection of גזירה שוה lessons that serve as the source for the rules concerning where the adulterous נערה is stoned.

3) Defamation

A Baraisa presents a dispute between Tanna Kamma and R' Yehudah whether the fine of one-hundred Selaim is paid only if the husband had relations with his wife.

The Gemara associates this dispute with a dispute presented later between R' Eliezer ben Yaakov and Rabbanan.

According to a second version both opinions are aligned with R' Eliezer ben Yaakov.

The Gemara questions whether R' Yehudah, in fact, holds that lashes are administered to the defamer regardless of whether he had relations with his wife.

R' Nachman bar Yitzchok answers the challenge. ■

Distinctive INSIGHT

Where is the סקילה performed?

נערה המאורסה שזינתה ומשבגרה הוציא עליה שם רע הוא אינו לוקה ואינו נותן מאה סלע. היא וזוממיה מקדימין לבית הסקילה.

The Gemara is in the middle of a discussion whether the death penalty assessed to an adulterous girl would change if her sin took place when she was a נערה, but the implementation of the sentence was to be only after she became a בוגרת. A Baraisa is cited wherein we find the penalty of stoning mentioned in reference to a בוגרת, seemingly proving that although she has now advanced and has become a בוגרת, we still apply the punishment appropriate to the moment of the adulterous act, when she was a נערה.

Interestingly enough, the Baraisa states that she shall be taken to the בית הסקילה, the stoning grounds, to be executed. The verse in the Torah (Devarim 22:21), however, clearly describes that when we can prove that a girl is guilty of adultery during this engagement period (אירוסין), the punishment of stoning is to be meted out "at the door of her father's house." Our Gemara even emphasizes that this is most appropriate, as we proclaim to the father, "See the offspring you have raised." Why does the Baraisa say that we execute her at the בית הסקילה?

We could say that although the Baraisa says that the execution will be at the "בית הסקילה," it does not technically mean that in this case she is to be put to death at that location, but simply that she is deserving of capital punishment, and in this case it will be at her father's door.

However, Rambam (Hilchos Isurei Bi'ah 3:10) writes that in reference to this case specifically, Beis din shall put her to death at the "בית הסקילה." Magid Mishnah identifies our Baraisa as the source of this halacha in Rambam. He explains that although we do not change the form of death penalty which is applied when the girl who has now matured from being a נערה to becoming a בוגרת, the implementation of the punishment is adjusted to be at the בית הסקילה rather than at her father's door. We therefore give her סקילה, as she would have received as a נערה, but it is carried out at a location which is appropriate to her current situation as a בוגרת, at the בית הסקילה. ■

Today's Daf Digest is dedicated
l'illui nishmas Perla bas Naftali Nachman
by Alan and Sheila Shapiro

Today's Daf Digest is dedicated
By The Reifer family
לע"נ מרת שושנה בת הרב דוב בער, ע"ה

HALACHAH Highlight

Entering non-Jewish houses of worship

העובד עבודת כוכבים

One who worships idolatry

Rav Eliezer Yehudah Waldenberg¹, the Tzitz Eliezer, wrote that included in the prohibition against entering an idolatrous house of worship is entering any church or mosque. He cites as proof to this ruling the opinion of Rabbeinu Nissim², the Ran. Ran writes that even though Yishmaelim do not worship their prophet as a diety, nonetheless, since they bow before him as part of their ceremonial worship it is considered idolatry. Additionally, their bowing cannot be considered an expression of honor to the prophet since honor is not accorded to the deceased. Therefore, concludes Tzitz Eliezer, all the restrictions against entering a house of worship of idolatry apply to a mosque and certainly to a church.

Dayan Yisroel Pesach Feinhandler³, the Avnei Yashfei, disagrees with this ruling and permits entering into mosques. His reasoning is based on a ruling of Teshuvos Chut Hameshulash, cited in Darkei Teshuvah⁴. Teshuvos Chut Hameshulash permitted Jews to construct a mosque because the worship of Yishmaelim is not the same as it once was. In the past the structure was an integral part of the way that they worshipped their god. In contrast, nowadays, the structure is merely the place where they gather to be able to serve, but the structure no longer plays a role in the actual worship. Therefore, concludes Avnei Yashfei since building a house of worship is treated more strictly than entering the structure, if it is permitted to build a mosque it must certainly be permitted to enter the mosque. Avnei Yashfei also writes that

REVIEW and Remember

1. What is the symbolism and message of stoning a girl at the entrance to her father's house?

2. Explain the dispute between Tanna Kamma and R' Shimon concerning a king who sinned before he was appointed king?

3. Where is an idolater stoned?

4. When does the defamer pay the one-hundred shekel fine for his transgression?

Rav Yosef Shalom Elyashiv agrees with this conclusion.

In a related matter Rav Moshe Shternbuch⁵, the Teshuvos V'Hanhagos, addresses the question of whether, for example, a woman is permitted to deliver her baby in a Christian hospital. After analyzing a number of related issues he concludes that if the Christian hospital is less expensive than the other hospitals one should not protest someone who chooses to deliver there. Ideally, however, women should see themselves as prominent (חשובות) and refrain from going there. ■

1. שו"ת צ"ץ אליעזר ח"י"ד סי' צ"א.
2. רי"ן סנהדרין סא: ד"ה יכול.
3. שו"ת אבני ישפה ח"א סי' קנ"ג.
4. דרכי תשובה יו"ד סי' קמ"ג סק"ח.
5. שו"ת תשובות והנהגות ח"ב סי' תי"ג. ■

STORIES Off the Daf

Knowing a Masechta

"ובעיר שרובה עכו"ם..."

Once, the Satmar Rav, zt"l, paid a visit to Telshe Yeshiva where he was given the honor of delivering a shiur in the yeshiva, which was duly honored by having such a great personage visit. At the time, the bochurim in high school were immersed in Kesuvos, which is known to be a difficult tractate and which is referred to in earlier sources as Shas katan because of the numerous sugyos concentrated in its pages. After the shiur, Rav Mordechai Katz, zt"l, presented a young student to the Satmar Rav with the introduction that the bochur

knew the entire tractate well with Tosafos and the commentaries.

The Satmar Rav asked the boy, "Where do we find that a city which was surrounded by a wall in Eretz Yisroel and consequently was considered an עיר מוקפת can lose its halachic status?"

After a few moments, the bochur responded, "Tosafos on daf 45b (ד"ה על פתח) writes in the name of one of the baalei Tosafos that if the majority of the city comprises non-Jews, its halachic sanctity is nullified."

The Rav asked, "Do you know a source for this outside opinion?"

The bochur did not.

Rav Boruch Sorotzkin, zt"l, interjected, "Even the Minchas Chinuch (171) could not find a source for this opinion,

so how can one expect a sixteen-year-old to have a source?" The Satmar Rav didn't answer.

As the Rav took his leave, Rav Elya Meir Bloch, zt"l, and Rav Mordechai Katz, escorted him out. As the three were walking, Rav Katz asked the Satmar Rav, "What was the source, then?"

The Rav responded, "The Yerushalmi in the beginning of Maseches Megillah, 1:1."

He then added, "See the Beir HaGra in Shulchan Aruch Orach Chaim 788:1."

When the two gedolim later checked inside, they found that the Vilna Gaon did indeed learn the Yerushalmi just like the pshat cited in the Tosafos. Both were amazed with the Satmar Rav's display of bekiyus! ■

