

OVERVIEW of the Daf

1) Shemitah gatherers and merchants

R' Yehudah explains R' Shimon's statement concerning the disqualification of shemitah gatherers and merchants.

This explanation is refuted and an alternative explanation is presented.

A related story is retold.

Two details of the story are clarified before the Gemara resumes retelling the story.

The term קשר רשעים used by Reish Lakish in this incident is explained with another story.

Another verse is explicated in relation to the above incident of Chizkiyahu, amongst other interpretations.

The word השתות mentioned in the previous verse is explained.

R' Nosson explains why Torah is referred to as תושיה.

Ulla explains another appearance of the word תושיה in Tanach.

Rabbah qualifies Ulla's statement.

2) Dice-players

R' Avahu in the name of R' Elazar rules that dice-players are disqualified only when dice playing is their profession.

3) Proclaiming someone ineligible to testify

R' Avahu in the name of R' Elazar states that a Beis Din proclamation must be made before someone is disqualified from testifying.

R' Acha and Ravina disagree whether a proclamation is needed to disqualify herdsmen from testifying.

The view that a proclamation is necessary is unsuccessfully challenged.

A related incident is recorded.

4) Others disqualified from testifying

Three rulings from R' Nachman regarding people who are or are not disqualified from testifying are presented and explained.

An incident related to people unable to rationalize their transgression is presented.

A second incident related to those who rationalize their transgression is recorded. ■

Distinctive INSIGHT

The tragic Shevna

הלך לחצוב לו קבר בקברי בית דוד בא נביא ואמר לו מה לך פה ומי לך פה כי חצבת לך פה קבר, הנה ה' מטלטלך טלטלה גבר. אמר רב טלטלה דגברא קשה מדאיתתא

Shevna was a supervisor of King Chizkiya's palace. The Gemara relates several incidents about him. The first is regarding the time Sancheriv besieged Yerushalaim. King Chizkiya fortified the city and told the residents to remain confident in Hashem and His salvation. Shevna acted with betrayal, and he wrote a letter to Sancheriv informing him that he and his followers wished to surrender, but that King Chizkiya was resisting. That incident resulted in a tremendous miracle whereby the soldiers of Sancheriv died.

Another incident of Shevna was where he was convinced that he would replace Chizkiya as king. Shevna went to the gravesite of the kings of the house of David, and he prepared a grave for himself among them. The prophet Yishayahu came to him and questioned what he was doing preparing a grave in the royal catacombs, as his plans to usurp the throne from Chizkiya would not succeed. Yishayahu then pronounced a threatening prophecy to Shevna, saying, "Hashem will cause you to wander the wandering of a man, and He will wrap you around."

Regarding this prophecy, Rav comments, "The wandering and displacement of a man is more difficult than that of a woman."

Maharsha explains that the Gemara is referring to when either a man or woman is forced to roam and stray in unfamiliar settings, a man will have a harder time doing so than a woman. A woman's wandering will elicit more sympathy from onlookers, and people will reach out and offer assistance to her before they will offer help to a man in a similar setting. Notwithstanding, the Gemara in Kesuvos (28a) understands that this phenomenon is also referring to the comparative experiences of a man and woman in their own city, and not necessarily in a strange city.

R' Yose b. Chanina explains that the second remark of Yeshayahu regarding being "wrapped up" was that Shevna was to break out with tzara'as. In the following verse, Yishayahu continued to pronounce additional prophecies regarding Shevna. Hashem would "encircle him (יצנפך) as a hat and as a wall, to a wide open land." Maharsha notes that each of these pronouncements was fulfilled, as the Gemara tells of the ignominious end of Shevna. The reign of a king is called צניף, as in Yeshayahu (62:3), and it can also refer to the braying of a horse (see Kiddushin 24b). Shevna wrongfully reached out to usurp the position of the king, and, measure for measure, the retribution he faced was that he was dragged by horses in an open area. ■

HALACHAH Highlight

Accepting charitable donations from gentiles

אי"ר נחמן אוכלי דבר אחר פסולין לעדות

R' Nachman teaches that one who eats the "other thing" (meaning, accepts charity from gentiles) is disqualified from testifying

The Gemara relates that one is not permitted to accept charity from gentiles for sustenance and one who accepts charity is disqualified from testifying. This restriction is limited to one who publicly receives the charitable contribution where it could have been received privately but if it was accepted privately or if the only way to receive the needed funds was to accept it publicly there is no prohibition. This ruling is cited in Shulchan Aruch¹. Taz² notes that there seems to be a contradiction with the very next halacha. Based on a Gemara in Bava Basra (10b) Shulchan Aruch³ rules that when a gentile government official makes a charitable donation to a Jew it should not be returned in order to maintain peaceful relations with the government. However, the money should not be spent on the Jewish poor but it should be discreetly forwarded to gentiles who are in need of the funds. The reason is that the strength of the gentile nations will be weakened only when the merit of their charitable donations runs out. How then could Shulchan Aruch in his first ruling permit taking charitable donations?

Derisha⁴ suggests that an individual is permitted to take the needed funds since he benefits from the donation but a charity collector (גבאי צדקה) is not permitted to accept

STORIES Off the Daf

"Surely Shemittah itself is not a threat!"

"פוקו וזרעו בשביעית..."

Kibbutz Machaneh Yisrael was having a difficult time making ends meet. Its members were worried that the impending shemittah year would wipe them out, and so they figured that it was probably permitted for them to work during the coming year. After all, the prohibition today is rabbinic and presumably it is waived in such dire circumstances. Although the rav of the kibbutz felt this way, the members of the collective did not dare to take such a drastic step with-

out consulting with a very great posek who would support violating the halachah even though it was not actually pikuach nefesh (life and death).

When they wrote a letter to Rav Chaim Ozer Grodzensky, zt"l, expressing their concerns during Shevat תרצ"ח, he replied that since the Chazon Ish, zt"l, was nearby and knew the exact situation, he wanted them to first consult with him before issuing a halachic ruling in this matter.

When a delegation that included some learned people went to the Chazon Ish, he absolutely rejected their proposition. One of the members of the delegation pointed out that the Gemara in Sanhedrin 26 seemed to contradict his psak. "But Rav Yanai permitted people

REVIEW and Remember

1. Why did Reish Lakish assume that shemittah violators were kohanim?
2. What is a קשר של רשעים?
3. Why is Torah called תושיה?
4. What is a "Nisan thief" and why is he permitted to testify?

donations since he does not directly benefit from the donated funds. Taz rejects the premise that one should be permitted to extend the exile by providing merit for gentiles for personal gain. He therefore suggests that the prohibition against accepting donations from a gentile applies only when the gentile intends for the charity funds to go specifically to a Jew and does not give to gentiles. By doing so he gives honor to the Jewish People and that is the merit that extends the exile. When Shulchan Aruch mentions that one is permitted to accept donations from gentiles he was referring to where the gentile donor gives to Jews and gentiles alike. In such a case the donor does not create significant merit that would extend the exile and thus given the correct conditions it is permitted. ■

1. שוי"ע יו"ד סי' רנ"ד סעי' א'.
2. ט"ז שם סק"ב.
3. שוי"ע שם סעי' ב'.
4. דרישה שם אות א'.

to plant on shemittah merely to pay their taxes. Surely our situation is more dire than their back taxes!"

The Chazon Ish argued that this man had not understood the seriousness of failing to pay taxes to the non-Jewish government. "The Gemara you cite is no proof since Rav Yanai only permitted it because the tax was indeed a matter of pikuach nefesh (life and death). It was only when they had absolutely no recourse that Rav Yanai was forced to allow this breach of halachah. The non-Jewish authorities collecting taxes is a deadly threat, but surely shemittah itself is not a threat!"¹ ■

1. מעשה איש, ח"א, ע' קט"ז