

OVERVIEW of the Daf

1) Capital cases must be completed during the day (cont.)

The Gemara continues its tangential discussion of the meaning of the term הוקע.

The reason many courts were used to try idolaters in the wilderness is explained.

2) The restriction against convicting someone of a capital crime in one day

R' Chanina and Rava suggest different sources for the restriction against convicting someone of a capital crime in one day.

The exchange between R' Chanina and Rava concerning their respective sources is recorded.

3) Holding a trial for a capital case on erev Shabbos or Yom Tov

The reason a capital case cannot be held on Erev Shabbos or Yom Tov is explained.

A possible manner to hold the trial on erev Shabbos is suggested but rejected.

4) Burying a מת מצוה on Shabbos

Reish Lakish suggests that burying a מת מצוה should override Shabbos.

In developing his argument a Beraisa is cited that demonstrates that burying a מת מצוה overrides bringing a korban.

R' Yochanan refutes the logic of Reish Lakish's kal v'chomer.

R' Yochanan's assumption that Beis Din may not execute someone on Shabbos is unsuccessfully challenged.

Following the conclusion that executions do not override Shabbos Abaye suggests that executions should not override bringing a korban.

Rava begins his argument against the suggestion of Abaye. ■

REVIEW and Remember

1. What lessons are derived from the phrase מלאתי משפט?
2. What is the logical argument to permit burial of a מת מצוה on Shabbos?
3. Why does the Torah specify the prohibition against lighting a fire on Shabbos?
4. Explain אין רציחה דוחה את העבודה.

Distinctive INSIGHT

When a kohen becomes disqualified from service

מה עבודה שדוחה את השבת רציחה דוחה אותה שנאמר מעם מזבחי תחקנו למות

Our Gemara teaches that beis din may not execute someone on Shabbos. This is determined from a verse, which overrides a conclusion we might have determined by comparing the relationships of certain laws using a קל וחומר. The service in the Beis HaMikdash is a very important mitzvah, and the labors associated with it may even be performed on Shabbos. Yet, we know that a kohen who commits murder is excluded from performing this service, as the verse teaches (Shemos 21:14), "from My altar you shall take him away to die." We might then say that the observance of Shabbos, which is pushed aside in deference to the service of the Beis HaMikdash should also be deferred in consideration of the court's implementing the death penalty. Nevertheless, this is not the halacha, as the yeshiva of R' Yishmael taught (Shemos 35:3): "Do not burn a fire in all your encampments on the Sabbath day." This teaches that the court may not carry out the death penalty on Shabbos.

Tosafos, in Sanhedrin (35b), explains that a Kohen who kills is disqualified from the service in the Beis HaMikdash because he is disqualified from nesias kapayim, delivering the priestly blessings. A Kohen blesses with his hands (and, obviously, his mouth), and we say that the same hands that murdered are not worthy of blessing. Murder is a wicked act - the antithesis of blessing someone.

Shiras David asks why did Pinchas, who killed Zimri and Kosbi, remain qualified to give the priestly blessings? The answer is that when one murders in order to sanctify Hashem and to set an example for the rest of the Jewish People, it is not a contradiction for those same hands to bless Bnei Yisrael. This is why the verse in reference to Pinchas (Bamidbar 25:13) states: "for he took vengeance for his God."

The Ba'alei Tosafos, in Sefer Moshav Zekaynim, ask why it was necessary for Hashem to promise the priesthood to Pinchas. He was already a kohen, since he was a descendant of Aharon. They answer that Pinchas thought that he had

(Continued on page 2)

Today's Daf Digest is dedicated
 By the Kaufman, Handelman, and Wolper families in loving
 memory of their grandfather
 ר' מרדכי בן ר' אביגדור ז"ל
 Mr. Max Kaufman z"l

HALACHAH Highlight

Is raising the hands essential for Birkas kohanim?

רציחה דוחה אותה שנאמר מעם מזבחי תקחנו למות

Murder overrides it as it says, "From near my altar you shall take him to die."

Shulchan Aruch¹ ruled that kohanim do not recite the beracha for Birkas kohanim unless the blessing will be conveyed while the kohanim are standing and with their hands raised. Teshuvos Noda B'yehudah² was asked whether a kohen who was unable to raise his hands could bless the people without raising his hands. He cited a teshuva from Shvus Yaakov³ who asserted that the requirement for a kohen to raise his hands is limited to where he is blessing the people in the Beis Hamikdash but outside of the Beis Hamikdash it is permitted for a kohen to bless the people without raised hands if he is unable to raise his hands.

Noda B'yehudah disagreed with Shvus Yaakov and wrote that the raising of the hands is essential to the mitzvah and a kohen who is unable to raise his hands may not bless the congregation. Sefer Minchas Kenaos⁴ suggests that the comments of Tosafos to our Gemara support Noda B'yehudah's contention that it is essential for kohanim to raise their hands. Tosafos⁵ explains that a kohen who killed someone may not bless the congregation since a kohen must raise his hands when he blesses the congregation and since he killed someone with his hands it is inappropriate for the

(Insight...continued from page 1)

lost his right to give the priestly blessing (nesi'as kapayim), as the Gemara (Berachos 32b) states: "A kohen who kills someone is rendered disqualified from giving the priestly blessing." Therefore, Pinchas needed to be guaranteed that his status as a kohen had remained intact. Since Pinchas acted for the sake of Hashem, his priestly blessing was acceptable. Based on this, if a kohen is a mohel, and, in circumcising a baby, the baby accidentally dies, the kohen remains fit to give the priestly blessing. This is because he intended to do a mitzvah, not a wicked act. This is also the halachic ruling of the Mordechai, a foremost halachic authority from the period of the Rishonim. ■

prosecutor to act as a defender (אין קטיגור נעשה סניגור). If the assertion of Shvus Yaakov was correct that a kohen may bless the congregation without raised hands why should a kohen who killed someone be disqualified from blessing the people since it could be done without raising his hands? The fact that he is precluded from conveying Hashem's blessing indicates that raising the hands is essential. Mishnah Berurah⁶ also adopts the perspective that raising the hands is essential and a kohen who is unable to raise his hands may not bless the congregation. ■

1. שוייע אוי"ח סיי קכ"ח סעי י"ד.
2. שוי"ת נודע ביהודה מהדו"ק אוי"ח ס"ה.
3. שוי"ת שבות יעקב ח"ב ס"ה א'.
4. ספר מנחת קנאות למס' סוטה ל"ח.
5. תוס' ד"ה ד"ה שנאמר.
6. מ"ב שם ס"ק נ"ב. ■

STORIES Off the Daf

The power of Tzedakah

"כאילו שופך דמים..."

On today's daf we find that giving tzedakah can sometimes literally save a person's life.

A certain man experienced an absolute miracle and was told that he should consider making a seudas hoda'ah. Since he was unclear what the exact source of this custom is he decided to ask Rav Shlomo Zalman Auerbach, zt"l, if this was correct and, if so, for the exact source of this practice.

Rav Shlomo Zalman replied, "There is no real source to do so, but that is the

custom. Obviously, you must give thanks and making a meal is one way to do so. But if you give tzedakah instead, this is a much better way to give thanks to Hashem."¹

A certain man who had been very sinful and wished to repent his misdeeds consulted with Rav Shlomo Zalman Auerbach about how to atone for his many wrongs. Although this man was sure that he would be instructed to fast or do some kind of painful penance, what the Rav told him would never have crossed his mind. After giving some very pointed advice to ensure that this man strengthen himself to prevent a relapse to his old ways Rav Shlomo Zalman added, "Give as much tzedakah as you can to poor talmidei chachamim and institutions of

Torah and Chessed."

A certain baal teshuvah would give large sums of money to tzedakah and was very gratified with all the good that he had done throughout his life. As he got older he felt that it would be a good idea to be buried with the many receipts he had received for his generous donations, but he wondered if this was halachically permitted.

When he asked Rav Shlomo Zalman Auerbach this question, he received an answer that surprised him. "It is permitted to do it, but it would be inane. In heaven, everything is revealed and they have no need of any decomposed receipts!"² ■

1. חכו ממתקים, ח"ב, ע' ק"ד
2. שם, ע' ק"י ■