

OVERVIEW of the Daf

1) Collective responsibility (cont.)

R' Nechemiyah explains why the nation was punished for Achan's sin.

A verse is explicated as relating to Achan.

R' Illa in the name of R' Yehudah bar Masparta elaborates on the end of the verse just cited.

Another exposition from R' Illa in the name of R' Yehudah bar Masparta is recorded.

Other Amoraim discuss other sins committed by Achan.

The Gemara discusses what happened to Achan's family and his property.

R' Nachman records how Yehoshua defended the Jewish People.

A dispute is recorded related to the number of people who died as a result of Achan's sin.

R' Nachman in the name of Rav cites a verse and interprets the reference to one who is brazen as a reference to Yehoshua.

The Gemara pinpoints the brazen act that was unique to Yehoshua.

R' Shila expounds one verse as referring to Hashem's statement that Yehoshua's sin was more severe than Achan's.

Rav refuted R' Shila's statement.

The Gemara discusses other errors committed by Yehoshua for which he was held responsible.

Abaye and R' Dimi discuss a conversation between Hashem and an angel and whether angels can speak with audacity to Hashem.

Three interpretations of a verse that discusses the battle with Ai are presented.

2) Achan's confession

A Baraisa explains how we know that Achan's confession was accepted.

Rav and Shmuel disagree whether his name was Achan and was nicknamed Zimri or his name was Zimri and Achan was a nickname.

3) A defendant who declares his innocence

The reason Chachamim opposed the defendant stating his innocence is explained.

A Baraisa records an instance in which someone taken to be executed declared his innocence and the reaction of the sages to his declaration.

4) **MISHNAH:** The Mishnah describes the preparations for the execution. ■

Distinctive INSIGHT

Two distinct categories of prayer

לעולם יקדים אדם תפלה לצרה

Upon his return to Eretz Yisroel, when Yaakov Avinu was about to be confronted by Eisav (Bereshis 32:8,10,11) he spoke to Hashem: My merits have been diminished through the kindnesses and the truth that You have done with me. Therefore, I am afraid lest, since the time You promised me, I have become soiled with sin, and it will cause me to be given over into the hands of Eisav. ~ Rashi

Our Gemara teaches that because Hashem is slow to anger, our sages adjure us (Sanhedrin 44b) that one should always pray before difficulties come his way.

The Gr"a, in his Commentary to Mishlei (25:17) notes that there are two distinct categories of prayer. One category of prayer is when we appeal to Hashem for favor in consideration of our mitzvah observance. In this situation, however, a person must be wary as to whether his merits are intact. Yaakov feared that his worthiness had been spent due to the great and multiple favors which were granted to him until this point. Therefore, he was "exceedingly fearful."

The other category is when we beseech Hashem to grant us favor due to His endless compassion and grace. This is found in the prayer of Nishmas, where we say: "Until now we have been aided by Your mercy, and Your kindness has not abandoned us. Do not forsake us ever." This teaches us that we recognize that all that Hashem has provided us is due to His great mercy and not due to our merits. We also proclaim that the fact that Hashem has not abandoned us is due to His kindness, and not anything that we claim to deserve. Accordingly, this is exactly why we are fully confident that "You will not forsake us ever." We need not worry that our merits may be insufficient to earn favor, because, as we stated, Hashem's providing for us and His not abandoning us is due to His benevolence.

The Torah tells us that when Avraham was informed that he was to have a son, "he believed in Hashem and it was considered for him as righteousness." The Zohar points out that the verse is not simply attributing credit to Avraham for believing in Hashem's promise, because this would be too elementary a level to be spoken about Avraham. Rather, the verse is telling us that Avraham trusted in Hashem because Avraham considered the privilege of having a son as a gift of Divine grace, and not due to his own merits, which might be insufficient.

The verse (Yeshayahu 12:2) which we recite at Havdallah says: "Behold, God is my salvation, I am confident, and I will not fear." The meaning is that when we recognize that our salvation is fully in the hands of Hashem, that is the moment we can be trusting and confident. No other situation is secure other than when we understand that Hashem is in charge. ■

Today's Daf Digest is dedicated
 By Mr. Steve Urow
 In loving memory of his uncle
 ר' לייב בן ר' יוסף, ע"ה

HALACHAH Highlight

The status of an apostate

אף על פי שחטא ישראל הוא

Even though he sinned he is a Jew

Tur¹ writes that the kiddushin of a mumar - an apostate - is binding and a גט is required. Tur then cites a dissenting opinion which maintains that a mumar who publicly desecrates Shabbos or worships idolatry is treated as a gentile and his kiddushin is not valid. Maharashdam² challenges the dissenting opinion from a Gemara in Yevamos (47b). The Gemara rules that the kiddushin of a convert to Judaism who reverts back to his old ways is binding. This clearly indicates that once a Jew, one does not lose that status so how could the dissenting opinion disagree?

Maharashdam answers that the source that a Jew who rebels remains a Jew comes from our Gemara that relates that even though Achan sinned he remained a Jew. Concerning Achan the only sin we know he committed was the sin of taking from the spoils that were not to be touched but it seems that in other areas he remained a committed Jew. Therefore, the principle that even after sinning one remains a Jew is limited to someone who behaves similar to Achan and sins in a particular area. In contrast, one who publicly desecrates Shabbos or worships idolatry is categorized as a gentile. According to this explanation the Gemara in Yevamos must be discussing the case of a convert who does not revert entirely back to his idolatrous ways; rather it refers to a

REVIEW and Remember

1. What is the source that a person remains a Jew even if he sins?

2. Why is it prohibited to greet someone with the word שלום at night?

3. Why did only thirty-six men die in the battle against Ai?

4. How was a man dressed for execution?

convert who is suspected of returning to a particular sin.

Rav Moshe Feinstein³ disagrees with Maharashdam's premise that the source that the kiddushin of a convert who reverted to his idolatrous ways is our Gemara. It is more likely that it was obvious to the Gemara that a mumar is treated as a Jew for all matters since it is not possible for a person to change his essence from a Jew to a gentile. He also writes that when the Gemara makes the statement that a Jew who sins remains a Jew it was not intended to be a halachic statement, it was merely a derivation of the verse that expresses the great love Hashem has for the Jewish People. ■

1. טור אה"ע סי' מ"ד.
2. שו"ת מהרשד"ם אה"ע סי' י'.
3. שו"ת אג"מ אה"ע ח"ד סי' פ"ג. ■

STORIES Off the Daf

The portion of Yaakov

"אעפ"י שחטא ישראל הוא..."

Rav Shlomo Chaim of Sadegura, zt"l, would employ a fascinating parable to explain a statement on today's daf. "On Sanhedrin 44 we find that even if a Jew has sinned he remains a Jew. This can be compared to a person in a house who does not wish to walk on the floor. Instead, he climbs the walls and will not step on the ground. Despite this, he is still inside the house. Similarly, a person may sin but he still remains within the reshuv of the Torah."¹

Rav Yissachar Shlomo Teichtal, hy"d, explained this further: "Jews only sin due to a spirit of folly brought upon them by the yetzer hara, but the G-dly soul is not touched by any sin. This explains the parable on our daf, that even a sinful Jew remains a Jew just like a myrtle among thorns. We might have wondered how this is relevant. But if we understand that the person himself is untouched by the sins he does, we grasp the simile. Sin only damages the outer crust of a person, but not his true self. Even if he violates the entire Torah he remains a Jew, like a myrtle among thorns."

"We see this from the fate of all Jews during the Holocaust. Even the most apathetic Jews who only observed mitz-

vos by rote and those who had long forsaken the Torah, were murdered only because of their Jewishness together with the most saintly. Although these Jews were very distant, even the non-Jews intuitively knew that they were different and treated them all in the same way."²

The Yismach Yisrael of Alexander, zt"l, would say from the Rebbe of Vorke, zt"l, "A Jew who sins remains a Jew. The portion of Yaakov within him can never be blemished no matter how wicked he has acted or how many sins he has violated."³ ■

1. חיי שלמה, ע"ר ר"פ
2. כור השואה, ח"ב, ע"ק פ"ט
3. ישמח ישראל, פרשת בהר, דף ס"ט ■