

OVERVIEW of the Daf

1) Hanging those who were stoned (cont.)

The Gemara concludes explaining the point of dispute between Rabanan and R' Eliezer whether all those who were stoned were hung or only idolaters and blasphemers.

2) Hanging women after stoning

The Gemara records the exchange between Rabanan and R' Eliezer whether a woman is hung after stoning.

3) Trying two capital cases on the same day

R' Chisda asserts that the restriction against trying two capital cases on the same day does not include cases involving the same method of execution.

This position is successfully challenged and thus slightly modified.

The assertion that two cases that are exactly the same may be adjudicated on the same day is unsuccessfully challenged.

4) Extralegal penalties

A Beraisa elaborates on Bais Din's right to impose extralegal penalties similar to the report of R' Shimon ben Shetach recorded in the Mishnah.

5) MISHNAH: The Mishnah describes the procedure for hanging the corpse of one who was stoned. The prohibition against leaving this corpse or any corpse unburied is discussed before the Mishnah resumes its discussion for burying the corpse of one who was stoned. The Mishnah concludes by teaching that the relatives of the deceased express interest in the welfare of the witnesses.

6) The hanging procedure

A Beraisa elaborates on the procedure for hanging the corpse of the one who was stoned.

Another Beraisa elaborates on the dispute between R' Yosi and Rabanan whether the post used for the hanging was sunk into the ground.

7) Hashem's disgrace

R' Meir explains why hanging a person is a disgrace to Hashem.

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REVIEW and Remember

1. When is a Beis Din allowed to adjudicate two capital cases on the same day?

2. What are the reasons to allow a corpse to remain unburied overnight?

3. Why is a hanging person an insult to Hashem?

4. What is the practical difference whether an eulogy is to honor the living or the deceased?

Distinctive INSIGHT

The Shechina suffers when we suffer

אמר רבי מאיר בשעה שאדם מצטער שכינה מה לשון אומרת? קלני מראשי קלני מזרועי

In his Ateres Mordechai on the Torah, Rabbi Mordechai Rogow, ז"ל, explains that there are varying conditions each of which can result in the Jews being forgiven. For example, we find (Tanchuma, Acharei Mos 10) that the death of a righteous person can result in atonement, due to the ensuing mood of repentance which occurs. Also, enduring suffering and physical afflictions have the effect of purging one's soul of sin (see Yoma 86a). Yet, these methods, although operative, are negative in nature. When they occur, it is as if the Shechina itself suffers along with us, as we find in our Mishnah, where we find that when a person anguishes, the Shechina bemoans, "Woe for My head, woe for My arm."

The atonement of Yom Kippur is different. It is made possible due to Hashem's boundless mercy and His gracious willingness to forgive. The verse in Vayikra (16:34) states: "And this shall be an everlasting statute for you, to make atonement for the children of Israel once a year because of all their sins." This seems to highlight the rituals of the Yom Kippur service as being essential and basic to the atonement, as it emphasizes: "This shall be for you as a statute forever, to procure expiation for Bnei Yisrael." How are we to understand the role of Yom Kippur in this process?

The Mishna (Avos 4:2) states: "The reward of a mitzvah is a mitzvah, the retribution for a sin is sin." This means that when a person performs a mitzvah, his reward will actually be double. Besides the direct reward for doing the mitzvah, he is granted credit for providing the Shechina with satisfaction in that Hashem is now able to reward him. On the other hand, when a person commits a transgression, he is to be punished for the sin itself, and also for having caused the Shechina the anguish and distress at having to punish him. The result of a sin is itself another sin, that of initiating the cycle of punishment.

The verse in Vayikra declares that Hashem desires that the only process of atonement which we should utilize is that of Yom Kippur itself. Although other methods are definitely functional, yet, it is as if Hashem urges us to avoid behavior which might necessitate death or suffering as the means for forgiveness. We should thereby merit that the process of Yom Kippur be once a year only, and that it not have to recur in other manners at other times as well. ■

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מרת חנה בת ר' דוד, ע"ה רובין

Mrs. Ann Ruben o.b.m.

HALACHAH Highlight

Extolling the virtues of the deceased

הספידא יקרא דחיי הוי או יקרא דשכבי הוי

Is a hesped delivered to give honor to the living or to give honor to the deceased?

The Gemara begins a discussion of whether the hesped – eulogy – is delivered to give honor to the surviving relatives of the deceased or whether it is to give honor to the deceased himself. The final conclusion of the Gemara is that its purpose is to give honor to the deceased. For this reason Shulchan Aruch¹ rules that we may forcibly take money from heirs who do not want to pay for the eulogy the same as we forcibly take money from heirs who refuse to pay for their deceased relative's burial. For the same reason, if a person instructs his survivors not to deliver a eulogy his request should be honored since it is for his benefit and he has the right to forgo that benefit².

When delivering the eulogy Shulchan Aruch³ writes that one is not permitted to overly exaggerate; rather one should highlight the positive traits of the deceased and one may add a bit to one's description as long as one does not exaggerate. Taz⁴ questions the meaning of this ruling. What difference does it make whether it's a big lie or a small lie? Either way it should be prohibited to say something about the deceased that is untrue. Bach⁵ answers that since it is prohibited to be too brief in one's praise of the deceased, Chazal allowed a small degree of exaggeration to assure the eulogizer will not be too terse. Their thinking was that if one were not permitted to exaggerate at all, many eulogizers would end up being too curt. Taz answers that it is safe to assume that a person who does a mitzvah to a certain degree would do more had he been blessed with more resources. For example, if a person gave tzedaka in accordance with his means it is safe to assume that he would have given

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Abaye explains the term קללת used by R' Meir. Rava challenges this explanation and offers an alternative explanation.

The allowance to make two expositions from this word is explained.

8) Leaving a corpse unburied

R' Yochanan in the name of R' Shimon ben Yochai cites the source for the prohibition against leaving a corpse unburied.

A second version of this statement is recorded.

The Gemara records a discussion between King Shavur and R' Chama regarding the Biblical command to bury a corpse.

Additional sources for the obligation to bury a corpse are suggested but rejected.

The Gemara inquires whether burial is to avoid disgrace or to provide atonement.

The practical difference between these two possibilities is explained.

Numerous unsuccessful attempts to resolve this matter are presented and the matter is left unresolved.

9) Eulogy

The Gemara inquires whether the eulogy is to honor the living or the deceased and the practical difference between these approaches is explained.

Numerous unsuccessful attempts to resolve this matter are presented. ■

larger amounts had Hashem entrusted him with more money. That being so, the eulogizer is allowed to exaggerate slightly the scope of the deceased's traits and such a eulogy is not considered a lie. ■

1. שו"ע יו"ד סי' שד"מ סעי' ט.
2. שו"ע שם סעי' י'.
3. שו"ע שם סעי' א'.
4. ט"ז שם סק"א.
5. בי"ח שם. ■

STORIES Off the Daf

"My head hurts me, my arm hurts me"

קלני מראשי קלני מזרעי..."

Rav Levi Yitzchak of Berditchov, ז"ל, was loved and admired for his advocacy on behalf of the Jewish people. One time he said, "Master of the universe! If You will forgive your children's sins, well and good. But if not, I will be forced to reveal to the entire world that Your tefillin are not kosher! For do we not find that Your tefillin contain the verse, 'Who is like Your people Yisrael, a unique nation on earth?' If the Jewish people are filled with sin, what distinguishes them from other nations?"

When Rav Yisrael of Ruzhin, ז"ל, re-

counted this story he commented, "This explains a statement in the Gemara in Sanhedrin 46 that seems hard to understand. There we find that when the Jewish people are in pain Hashem says, 'My arm hurts Me, My head hurts Me.' But why are the arm and the head specifically used to illustrate Hashem's pain? The answer is that all suffering is a direct result of sin. Hashem's 'arm and head' allude to His tefillin which are placed on the arm and the head. These are rendered unfit, as it were, as a result of our sins which cause our pain in the first place..."

His son, the Rebbe of Sadigura, ז"ל, expanded on this idea to explain the phrase in Selichos, " 'Do it for the sake of Your pe'er—Your splendor.' Our sages teach that 'splendor' means the tefillin. We beg Ha-

shem to forgive us so that His tefillin will not be pasul."¹

Each night when Rav Yechezkel of Kuzmir, ז"ל, left the beis midrash he would gaze at the sky and say, "Ribono shel olam! I wish You a good night."

When asked what this could possibly mean, he explained, "In Sanhedrin 46 we find that when Jews suffer, Hashem suffers too. Now we are in the month of Teves when the nights are long and cold. Those who have a good livelihood have wood to heat their homes and food on the table, and those who do not will suffer, chas v'shalom. This is my way to petition Hashem to give Jews parnasah so we do not suffer—if He has a good night, so will the Jewish people!"² ■

1. נר ישראל, ח"ב, ע' ק"י
2. יד יוסף, ע' ס"ז