

## OVERVIEW of the Daf

### 1) Bestiality

R' Nachman bar R' Chisda asserts that concerning bestiality a woman is liable for natural and unnatural forms of copulation whereas a man is liable only if he copulates the natural way.

R' Pappa challenges this ruling.

A Baraisa rules that one is liable in both cases for natural and unnatural copulation.

Ravina asks whether one is liable for initial stages of relations with a male.

The question is clarified to be whether one is liable for initial stages of relations with an animal.

Rava answers that there is liability.

The Gemara explains why the source for this ruling appears in the context in which it appears.

### 2) Sodomy

R' Achdavoï inquires about the liability of one who commits the initial stage of relations with himself.

R' Sheishes expressed annoyance at the question and R' Ashi explained why.

### 3) Killing an animal that copulated with a person

R' Sheishes was asked whether an animal is killed if an idolater copulated with it.

R' Sheishes answered that it is.

This answer is unsuccessfully challenged.

Rava suggests an alternative explanation for R' Sheishes.

An unsuccessful attempt to support R' Sheishes's ruling is recorded.

R' Hamnuna inquires whether an animal is killed if a Jew copulated with the animal without sinful intent.

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## REVIEW and Remember

1. What is the point of dispute between R' Nachman bar R' Chisda and R' Pappa?  
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2. What is the reason why one might think that the animal that copulated with an idolater is not killed?  
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3. Explain the two sides of R' Hamnuna's questions?  
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4. What is the prerequisite for a blasphemer to be stoned?  
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## Distinctive INSIGHT

### Expressly uttering a curse

המגדף אינו חייב עד שיפרש את השם

The Mishnah introduces the halacha of one who curses God's name. The word "מגדף" comes from the verse in Bamidbar (15:30), "A person who shall act high-handedly, whether a native or a convert, and he blasphemes (מגדף) Hashem, that person shall be cut off from among his people." The sin depicted in the verse is the subject of a dispute in Kareisos (7b). Rabbi Akiva holds that the act of blaspheming referred to in the verse is where someone worships idolatry. The Sages disagree, and they contend that it refers to one who curses Hashem. Our Mishnah uses the word מגדף although this word refers to cursing only according to the opinion of the Sages, because the Mishnah did not want to expressly say the word מקלל in reference to God's name.

In describing the precise nature of this sin, the Mishnah says that one is only liable once the name is explicitly pronounced (אינו חייב עד שיפרש השם). Yet, the Gemara concludes that one is liable even if he does not utter the name of God fully with its letters and vowelization. Rashi therefore explains that when the Mishnah says that the person pronounced the curse explicitly it means that he himself uttered the name of God and cursed it. He would not be liable where he heard someone else say the name, and he simply uttered a curse referring to the name he just heard.

פסקי רי"ד explains that one is only liable when he curses the ineffable name of God, but not when he curses one of the names which we use just to describe Him.

Minchas Chinuch (Mitzvah 70:3) writes that in a case where someone hears the name of God being pronounced and he then utters a curse against the name he just heard, he is not liable for stoning. He is still in violation of this mitzvah, and he is liable for lashes. This prohibition is learned from the verse "אלקים לא תקלל"—Do not curse אלקים." This verse teaches us many things, among them is that it is prohibited to curse a judge. Regarding a judge, the halacha clearly states that a curse may not be pronounced even if one person says the judge's name and someone else curses it. Certainly, then, this same level of stringency applies regarding cursing the name of God, as well. ■

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 לעילוי נשמת חנה בת יהודה  
 from the Axselrud family

# HALACHAH Highlight

## *A child's liability for his transgressions*

כיון דמזידה היא תקלה נמי איכא ורחמנא הוא דחס עלה  
 Since she did it deliberately there is also a downfall and it is the  
 Torah that spares her life

The Midrash<sup>1</sup> teaches that when a boy reaches the age of thirteen his father should recite the beracha, ברוך שפטרני מענשו של זה – “Blessed is the One ... who exempted me from this liability.” Magen Avrohom<sup>2</sup> explains the intent of the beracha. A father is held accountable for the transgressions of his son that result from improper education but from the time of the child’s bar-mitzva and on, he is no longer accountable. Rav Ovadia Yosef<sup>3</sup> cites a challenge to this explanation from a sefer called Birach Es Avrohom. He questions how a father could be held accountable for the transgressions of his child when a child younger than thirteen is not at all subject to punishment and his transgressions do not even qualify as transgressions since he does not have the intellect to perform conscious act.

Rav Ovadia Yosef answers this challenge from our Gemara. The Gemara discusses the case of an animal that sodomized a three-year girl and according to its conclusion we are discussing a case where the girl participated willingly and

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Three unsuccessful attempts to resolve this inquiry are recorded.

4) MISHNAH: The Mishnah begins to discuss the liability of a blasphemer. ■

it is only because she is a minor that the Torah spares her from execution. Teshuvos Beis Shearim<sup>4</sup> explains that normally a child is not punished for his transgressions since his acts do not represent a conscious act and are categorized as מתעסק – one who is unaware of the specific act that he is doing. This categorization, however, does not apply to transgressions related to food or illicit relations since the Gemara Kareisos (19b) teaches that one who violates a prohibition involving food or illicit relations is liable even if the act was מתעסק since the transgressor derived pleasure from the prohibited act. Accordingly, a child is also considered to have consciously committed the transgression and it is only due to the Torah’s compassion that he is not punished. Consequently, a father could be held accountable for his son’s transgressions that involve food and the beracha of ברוך שפטרני expresses a father’s relief that he is no longer accountable for those transgressions of his son. ■

1. מדרש רבה תולדות פרשה ס"ג סימן י"א
2. מג"א סי' רכ"ה סק"ד.
3. שו"ת יביע אומר ח"י סי' כ"ט אות ג'.
4. שו"ת בית שערם יו"ד סי' תל"ז. ■

# STORIES Off the Daf

## *The age of Chinuch*

”בת שלוש שנים...”

On today’s daf we find that if a minor does a heinous crime which deserves capital punishment, he is not punished.

Some parents are a bit lackadaisical about educating their children on the path of Torah. Some figure that one need not worry so much, especially for a minor, since he is not obligated for his sins. And very many children, even near bar-mitzvah, feel that they really have nothing to worry about, no matter what they do. Since the mitzvos they do are because of chinuch, they reason

that their sins too are not really significant until they reach majority.

However, the Ohr Sameach, zt”l, and other luminaries hold that a minor is obligated min haTorah to follow the seven Noachide laws.<sup>1</sup> In addition, who told them that a sin has no effect on minors?

When someone asked Rav Chaim Kanievsky, shlit”a, whether sins have a negative effect on minors, he answered that they definitely leave a stain. “The Chazon Ish, zt”l, would say that the very act that is sinful for an adult is a prohibited action for a minor as well, and it dulls and is מטמם his heart just the same. The moment he knows better it damages him. Nevertheless, Hashem decreed that he is absolved of punishment.

Rav Kanievsky explained, “This is

why we find that the viddui in shomeah tefillah discusses, ‘ מיום היותי - על פני האדמה עד היום הזה from the time I existed on earth until today.’ He must also confess any sins done as a child, since every single one had a negative effect on him which must be cleansed.”<sup>2</sup>

The Ben Ish Chai, zt”l, brings that the Arizal said a similar thing. “We find that the Arizal told Rav Chaim Vital, zt”l, that he was obligated to repent for one time when he cursed his mother as a child. He also heard that the Arizal said that even little slaps doled out by a very young child must be atoned for later on.”<sup>3</sup> ■

1. אור שמח, פ"ג מהלכות ביאה, ה"ב, אמרי בינה, אבן העזר, שו"ת, סי' ג' ועוד
2. שיח השדה, ח"ג, סנהדרין נ"ה
3. שו"ת רב פעלים, ח"א, סוד ישרים, סימן ג'

