



## OVERVIEW of the Daf

### 1) Sorcery (cont.)

A Beraisa explains how different people would violate the prohibition against ניכוש.

2) **MISHNAH:** The Mishnah discusses the punishments for violating Shabbos.

### 3) Non-punishable violations of Shabbos

The Gemara infers from the Mishnah that there are violations of Shabbos that are not punishable and two possible examples of this are presented.

4) **MISHNAH:** The Mishnah discusses the prohibition against cursing a parent.

### 5) Cursing a parent with a subordinate Name

The Gemara identifies the author of the opinion who exempts one who curses a parent with a subordinate Name of God.

A Beraisa elaborates on the verse that deals with cursing a parent.

It is noted that the Beraisa seems to follow the opinion that maintains that the term אלהים in the verse is secular.

The Gemara explains how the opinion that maintains that the word אלקים is sacred explains the Beraisa.

An unsuccessful challenge is presented against the opinion that maintains that the term אלקים is sacred.

6) **MISHNAH:** The Mishnah discusses the punishment for having relations with a betrothed na'arah.

### 7) The betrothed na'arah

A Beraisa expounds the verse that discusses the betrothed na'arah.

R' Yehudah in the name of Rav asserts that the Mishnah that limits stoning to a na'arah rather than a minor follows the opinion of R' Meir but Chachamim maintain that a minor is also included in this halacha.

This assertion is unsuccessfully challenged.

R' Yaakov bar Ada asked Rav whether, according to R' Meir, one who cohabits with a betrothed minor is liable to any death penalty.

Rav answered that it is logical that the sinner is liable to strangulation.

R' Yaakov bar Ada challenged this and Rav was silenced.

Shmuel wondered why Rav was silenced.

It is noted that there is a dispute between Tannaim whether the man who cohabits with a betrothed minor is liable to execution.

The exchange between these two opinions is recorded.

### 8) First and second death penalty

Rebbi expounds a verse related to the death penalty of a kohen's daughter and a betrothed na'arah.

R' Huna the son of R' Yehoshua offers one interpretation of Rebbi's statement.

R' Bibi bar Abaye relates that R' Yosef offered an alternative explanation of Rebbi's teaching. ■

## Distinctive INSIGHT

### Star gazing and sorcery

כגון אלו המנחשים בחולדה בעופות ובדגים

The Beraisa explains the procedures which we find prohibited in Vayikra 19:26, "לא תנחשו ולא תעוננו"—Do not practice divination and do not believe in lucky times." The Beraisa explains that this refers to those who engage in divination with a weasel or with birds. For example, he attributes significance to his having encountered a weasel, or he interprets the chirping of birds as a signal of future tidings.

The text of Ri"ף adds that this prohibition also refers to divination with the stars. ר' חידושי הר"ן points out, though, that the Gemara in Pesachim (113b) learns that it is prohibited to consult with the "כלדיים" based upon the verse (Devarim 18:13): "תמים תהיה—You should be complete (trusting) with Hashem, your God." ערוך translates the "כלדיים" as "those who gaze into the stars." ר"ן asks why is the source for this prohibition not the same verse in both citations? In our Gemara consulting with the star gazers is a negative command (לא תנחשו), and in the Gemara in Pesachim it is from a positive command (תמים תהיה).

ר"ן answers in the name of הרב דוד that our Gemara is referring to the prohibition to look to the stars for information and advice which has no basis or foundation in natural or rational thought. For example, the observer says that if bread falls from one's mouth one will have bad luck. Similarly, the star gazer says that if one sees a certain star on a certain day it portends of a certain event or tendency. This is prohibited due to לא תנחשו. The Gemara in Pesachim is referring to those who gaze into the stars and can interpret astrological calculations and signs of the zodiac. These observations are accurate and have meaning, but man, who is a thinking being and can make decisions to earn merit, can overcome these tendencies for the better. We are commanded to avoid consultation with these astrological signs, and to trust only in Hashem. We are in control of our destiny, and we are commanded to rely only upon Hashem and His supervision of our people and the entire world.

In (#283) תשובות המיוחסות לרמב"ן he writes that one is not in violation of לא תנחשו if he gazes into the messages found in the stars. He cites the Gemara in Shabbos (156a) where R' Chanina teaches that there are constellation signs which signal wealth, while others signal poverty, and the Jewish people have their own fortune. See Rashi to Bereshis 15:5, where Avraham

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Today's Daf Digest is dedicated

By Mr. & Mrs. Joey Zimmerman in memory of their son

יחיאל דוב בן ר' יוסף יהודה

And by Mr. & Mrs. B. Rottman in memory of his mother

מרת עלקא בת ר' מנחם מנדל ע"ה

# HALACHAH Highlight

## Cursing a judge

אלהים לא תקלל וגו'

*You shall not curse a judge etc.*

**T**umim<sup>1</sup> finds significance from the wording of the verse that teaches the prohibition against cursing a judge. The verse says, **אלהים לא תקלל** – A judge you should not curse. The choice of the word **אלהים** for a judge indicates that the verse refers specifically to a judge who is a renowned expert and received semicha. One who curses a judge with these qualities receives lashes. If, however, someone curses a judge who does not possess these qualities he will not receive lashes since a judge lacking these characteristics is not called **אלהים**. It is for this reason that Tur<sup>2</sup> did not record the halacha that one who curses a judge receives lashes. Since nowadays we do not have judges who have semicha the halacha does not apply. Based on this analysis, Chikrei Lev<sup>3</sup> wonders why Shulchan Aruch does record the halacha that one who curses a judge receives lashes when it is not relevant since we do not have judges with semicha.

Minchas Chinuch<sup>4</sup> also writes that one who curses a judge who does not have semicha does not receive lashes and he proves from the Gemara earlier (2b) that only a renowned expert (**מומחה**) is included in the term **אלהים**. He adds, however, that this halacha could become practical even in our times. Rambam<sup>5</sup> writes that if all the Torah scholars of Eretz Yisroel agree to appoint judges and give them semicha they are considered to have received authentic semicha and may adjudicate cases reserved for judges with semicha (**דיני קנסות**). Since it is possible to have judges with semicha, Shulchan Aruch felt compelled to record the punishment for one who curses a judge. Shevet Halevi points

# REVIEW and Remember

1. What language must be included when cursing a parent to be liable?
2. What is the dispute between R' Yishmael and R' Akiva concerning the word **אלקים**?
3. What is the point of dispute between R' Meir and Chachamim?
4. What halacha is derived from the word **תחל**?

*(Insight...continued from page 1)*

Avinu was directed to abandon any limiting signs he saw in the stars, and to trust in Hashem that he would have a son.

Although the halacha does not follow this opinion, we still see that messages from the stars are not prohibited.

Notwithstanding, Rambam holds that anyone who refers to the stars is in violation of **לא תעוננו**. ■

to Birkei Yosef who rules that the prohibition against cursing a judge is limited to a permanent judge – **דיין קבוע**. Since it is possible to have a permanent judge even in our times it is necessary to know the punishment for one who curses such a judge. ■

1. תומים סי' כ"ז סק"ב.
2. טור סי' כ"ז.
3. חקרי לב חו"מ סי' קנ"א.
4. מנחת חינוך מצוה ס"ט אות ה'.
5. רמב"ם פ"ד מהל' סנהדרין הי"א.
6. שו"ת שבט הלוי ח"ה קונטרס המצוות סי' כ"ט. ■

# STORIES Off the Daf

*"He who violates the Shabbos..."*

*"המחלל את השבת..."*

**T**oday's daf discusses the halachos of one who violated Shabbos.

A pair of religious women underwent a serious trauma and needed a soothing atmosphere to recover. It was recommended that they travel to a Swiss resort for their health. While there, the atmosphere was so relaxing that they lost track of the days and miscalculated when Shabbos was due to arrive. On the day they mistakenly thought was Friday but was actually Shabbos, they did many prohibited labors. It was only when they were about to light

candles before sunset that they had a feeling that they might have made an error. After a few minutes of checking, they realized they had miscalculated—they were horrified to find that they had accidentally disregarded Shabbos.

They knew enough to recite the text of the korban chatas and did so straight away, but they wished to know what else they could do to atone for their terrible mistake. Fasting is not suggested in any event nowadays since people are so weak. And, obviously, in this particular case, their poor health precluded any fasting at all. Giving money to tzedakah in lieu of the fasts was also not feasible for them since they were both of severely limited means. When they consulted with Rav Yitzchak Zilberstein, shlit"a, he ruled that they or-

ganize and attend shiurim in the halachos of Shabbos to atone for their inadvertent error.<sup>1</sup>

Similarly, when HaRav Yosef Shalom Eliashiv, zt"l, was consulted by a man who accidentally placed a cooked dish on an uncovered burner on Shabbos, he ruled that this man should learn hilchos Shabbos to atone for his sin.<sup>2</sup> Since these women had violated an entire Shabbos, Rav Zilberstein required them to go one step further and organize shiurim to help others learn the halachos so that Shabbos observance would be maximized further as an appropriate atonement. ■

1. טוביך יביעו, ח"א, ע' ש"יז
2. דרור יקרא, ע' ש"מ"ו ■