

This month's Daf Digest is dedicated  
לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעעש  
From the Grin family, Sao Paulo, Brazil

## OVERVIEW of the Daf

### 1) R' Akiva's teaching

The Gemara quotes at length a Baraisa that indicates that R' Akiva learned the halacha regarding cucumbers from R' Eliezer rather than from R' Yehoshua as indicated by the Mishnah.

The Gemara answers that when he learned the halacha from R' Eliezer he didn't understand it, and it was only after R' Yehoshua explained it to him that he understood the halacha.

The Gemara questions how R' Eliezer was permitted to practice sorcery as he did in the above-cited incident.

The Gemara answers that performing sorcery for learning purposes is permitted.

### הדרן עלך ארבע מיתות

2) **MISHNAH:** The Mishnah discusses the age range in which a child could become a **בן סורר ומורה**.

### 3) The exemption of a minor

The Gemara asks for the source that a minor can not become a **בן סורר ומורה**.

The intent of the question is challenged and the Gemara explains the rationale behind the question.

Two opinions are cited regarding the physical characteristic necessary for a child to be a possible **בן סורר ומורה**.

### 4) Can a minor father a child?

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## REVIEW and Remember

1. Why did R' Eliezer think that the sages would die an unusual death?
2. Why did R' Akiva attribute a teaching to R' Yehoshua when it was first taught to him by R' Eliezer?
3. Is a verse needed to teach that a minor cannot become a **בן סורר ומורה**?
4. What is the point of dispute between R' Chisda and Rabbah?

## Distinctive INSIGHT

*The obligation to grow and develop to one's full potential*

אמר לו רבי עקיבא שלי מהו? אמר לו שלך קשה משלחן

When the sages visited R' Eliezer they sat at a distance of four amos, in observance of his being banned. When R' Eliezer asked them why they had come, they told him that they wanted to learn Torah from him. He asked them why they had not come until then, they told him that they had not found time to come. R' Eliezer detected that they really had not come due to his being in banishment, and he told them that he would be surprised if they would each die a natural death. Rabbi Akiva, who was among the group, asked about his own death, whereupon R' Eliezer informed R' Akiva that he would die a worse death than the others. Rashi explains that R' Akiva was the greatest among the group, and justice is more exacting for one who is perfectly righteous. Other commentators explain that Rabbi Akiva was a greater sage, and he would have accomplished much more had he learned from R' Eliezer. The loss of Rabbi Akiva's not learning with R' Eliezer was more profound than it was with the others.

In his *Sichos Musar* (5731, #18), R' Chaim Shmuelevitz discusses the tremendous responsibility there is for a person to strive for greatness and to be respectful of his Torah teachers. If a person does not utilize the resources he has and he does not avail himself of the opportunities which present themselves to him to grow and develop in Torah and the service of Hashem, he suffers personal loss, and he causes irreparable harm to the world at large. This explains what R' Eliezer meant when he said R' Akiva would suffer a worse death than the other sages. As Rashi explains, Rabbi Akiva's heart and mind were "as wide as a hallway," and had he studied with R' Eliezer he would have accomplished great strides in Torah.

Alas, this opportunity was lost. The death of Rabbi Akiva was a torturous one, with his skin being scraped off with iron combs. Even Moshe Rabeinu, who was apprised of this development (Berachos 61b), exclaimed, "Is this Torah and its reward!?" Nevertheless, the punishment he suffered was that his body was mistreated to a great degree, which corresponded to the lack of honor which R' Eliezer suffered with Rabbi Akiva's not learning Torah from him.

We obviously have no concept of the greatness of R' Akiva, as Moshe Rabeinu himself declared that the Torah was worthy of being given to the Jews via R' Akiva more than with Moshe himself. Still, the accusation against R' Akiva was levied for his not achieving a higher level.

We must each learn a lesson regarding our own striving for greatness in Torah and in mitzvah observance. A person should never underestimate what he can accomplish and what his potential is in terms of spiritual heights. ■

Today's Daf Digest is dedicated  
By Mr. & Mrs. David Binter in memory of their mother  
מרת הינדא רחל בת ר' שלמה ע"ה

# HALACHAH Highlight

## Inflicting a wound upon one's self

היה מכה בבשרו עד שדמו שותת לארץ

*He struck his flesh until blood flowed to the ground*

Since the advent of cosmetic surgery, Poskim have discussed whether elective cosmetic surgery is permitted and the circumstances when it would be permitted. The primary reason that it should be prohibited is that it is forbidden for a person to inflict a wound upon himself (חובל בעצמו). Seemingly, to have a doctor perform surgery that is not medically necessary should be prohibited.

Rav Moshe Feinstein<sup>1</sup> discusses this issur and a primary part of his discussion revolves around the wording of Rambam. Rambam<sup>2</sup> writes that it is prohibited for one to strike a fellow Jew in a belligerent manner (דרך נציון) or, according to other versions, in a degrading manner (דרך בזיון). Accordingly, if one wounds another person in order to beautify that person, it is not done in either a belligerent or degrading manner and it is permitted. In view of this, it is logical to assume that the prohibition against inflicting a wound upon one's self applies only when it is done in a belligerent or degrading manner.

Rav Feinstein cites a number of proofs to this assertion. One proof is found in the Gemara Bava Kama (91a). The Gemara there relates that when R' Chisda walked among thorns he would roll up his clothes so that his skin would be scratched ra-

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

R' Chisda teaches that a minor who fathered a child can not be a בן סורר ומורה.

R' Chisda's exposition is challenged and subsequently clarified.

It is noted that Rabbah disagrees with R' Chisda's basic assumption that a minor can father a child.

Rabbah cites a verse that supports his position. ■

ther than his clothes. His rationale for this was simple; skin heals and clothing does not. The fact that R' Chisda was allowed to knowingly cause himself to be scratched to avoid damage to his clothing indicates that one does not violate the prohibition against wounding one's self when the wound is not inflicted in a belligerent or degrading manner. In the course of discussing this principle he mentions Tosafos<sup>3</sup> to our Gemara who writes that R' Akiva did not violate the prohibition against cutting himself (שריטה) following the death of R' Eliezar since his action was motivated by the loss of Torah that R' Eliezar's death represented rather than the loss of R' Eliezar's life. The question that Tosafos does not address is why R' Akiva did not violate the prohibition against wounding himself. The answer is that his wound was an expression of suffering and was not done in a belligerent or degrading manner and thus did not violate the prohibition against inflicting a wound upon one's self. ■

1. שו"ת אג"מ חו"מ ח"ב סי' ס"ו.
2. רמב"ם פ"ה מהל' חובל ומזיק ה"א.
3. תוס' ד"ה היה מכה. ■

# STORIES Off the Daf

## "Like a Dog Lapping at the Sea"

"ככלב המלקק מן הים..."

A certain rabbi once ran into a "freethinker" who was himself quite a scholar. With hardly a word of introduction, the non-believer declared that he was learning Bible criticism and had spoken to many religious people who were unable to reply to the compelling questions he posed.

The rabbi asked the academic what Rishonim he had learned. The academic was obviously taken aback and his halting reply showed that he had never studied rishonim at all. He defended himself with the statement, "Clearly, the Torah must be a work that is complete in and of itself, requiring no added exposition by the rabbis..." he began.

"Anyone who thinks so has not

learned it carefully," replied the rabbi. "For example, the verse tells us, 'and you shall slaughter of your cattle...as I have commanded you,' yet nowhere in the rest of the Torah do we find instructions as to how we are meant to slaughter animals. Obviously, the accompanying instruction was transmitted orally—the oral Torah of the rabbis that you find superfluous."

The academic was flustered for only a moment before he blurted out his ignorant response, "There is no such verse."

"Try parshas ראה," the rabbi replied. "And it's not just there. Many mitzvos cannot possibly be fulfilled with only the written instructions. We are told to put 'a sign' on our arms and 'a totafos' between our eyes. What are these? How are we to manufacture the tzitzis that are to be placed on the corners of our garments? The list goes on and on and demonstrates clearly that the written Torah cannot be understood without the oral Torah."

"But why was there an oral Torah?"

asked the academic. "Why not write it all down?"

"Excellent question! The Maharal explains that the Torah is meant for every level, from small children to the deepest minds. It therefore has many levels of oral tradition imbedded into the text. In this manner the chumash relates to everyone since as one advances he learns what he can understand and not more. He also says that because there are so many details of the oral law it would be impossible to write everything down in any event.<sup>1</sup>

"From Rabbi Eliezer in Sanhedrin 68 we see an example of this great abundance of halachos. He said that although he had learned much from his teachers, what he absorbed can be compared to a dog lapping at the sea. He was discussing the many details of each and every law, which cannot possibly be recorded without countless books. Life is complex, so why assume God's word is not?" ■

■ מהר"ל בסוף תפארת ישראל