

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) בן סורר ומורה

A Beraisa elaborates on the halacha that one must eat meat and drink wine to become a בן סורר ומורה.

R' Zeira expounds the previous verse as a warning against sleeping in the Beis Midrash.

2) **MISHNAH:** The Mishnah discusses the prerequisites of stealing and consuming meat and wine to become a בן סורר ומורה.

3) Clarifying the Mishnah

The Gemara explains why in the first three cases of the Mishnah the child is not a בן סורר ומורה.

4) Stealing from his mother

The Gemara questions where the child's mother has money that he could steal from her.

One suggestion is offered but rejected.

Two viable explanations are accepted.

5) **MISHNAH:** The Mishnah discusses issues related to the parents of the child that could prevent him from becoming a בן סורר ומורה.

6) A mother that is unfit

The Gemara clarifies what is meant when the Mishnah refers to a mother that is unfit.

A Beraisa is cited that supports this explanation.

The Gemara states that the Beraisa that maintains that there never was a בן סורר ומורה and there will never be a בן סורר ומורה follows R' Yehudah's position presented in the previous Beraisa.

It is also suggested that the Beraisa could be consistent with R' Shimon's position.

A similar discussion is presented regarding a subverted city - עיר הנדחת.

A dispute is presented whether there was ever a house that was afflicted with tzara'as.

7) **MISHNAH:** The Mishnah begins by teaching that if the parents

(Continued on page 2)

Distinctive INSIGHT

When the evildoers join ranks

פיזור לרשעים הנאה להן והנאה לעולם...כינוס לרשעים רע להן ורע לעולם

Regarding the attempt of the people of the world to unite in order to build a tower, the verse (Bereshis 11:4) states: "And they said: 'Come let us build us a city, and a tower, and its top in the Heavens, and let us make a name for ourselves lest we be scattered upon the face of the whole earth.'"

Kli Yakar tells us that the desire that drove the generation to build the tower was their universal goal of self-image, the desire for a name. However, the Kli Yakar explains that even when evil people gather together towards a seemingly common purpose or goal, the reality is that, deep-down, each member of the group really seeks personal desires. Their hearts are indeed separate. This is why the Mishnah (71b) states that when evil people are scattered and cannot conspire together it is good for them and beneficial for the world. Likewise, the gathering of evil people is bad for them and harmful for the world. The paths of evil are many, and true unity is not achieved. Therefore we see that as soon as plans were started into action on building their tower, everyone was at each other's throat to "one-up" his or her neighbor and seek the best for his individual name. Striving for positions of power and control only led to strife. In life, it is easy to fool oneself into thinking that aiming to create a "name" for ourselves is לשם שמים, when in reality this pursuit might not be for the common good, and it rather leads to destruction.

The Mishnah in Pirkei Avos (Ch. 4) teaches that the crown of a good name is better than the crowns of Torah, Priesthood, and Kingship combined. Let us strive to continuously develop actions that are done with the intent of שם שמים, and may a good name search us out rather than us it. As Chazal (see Eiruvin 13b) also tell us: "All who run away from honor, honor runs after them."

REVIEW and Remember

1. How does a child steal from his mother if she has no possessions?
2. What handicaps of the parents preclude a child from becoming a בן סורר ומורה?
3. What two halachos are derived from the word זה?
4. Who benefits upon the death of someone wicked?

Today's Daf Digest is dedicated

By Mr & Mrs. Moshe Nitekman in memory of their mother
מרת חי' רחל בת ר' מרדכי צבי ע"ה

Today's Daf Digest is dedicated

By Mr & Mrs. Shimon Fink in memory of their father
ר' ארי' לייביש אפרים צבי בן ר' יצחק מרדכי, ע"ה

Today's Daf Digest is dedicated

By Mr Moshe Greenspan
לע"נ גיטול רייזא בת ר' אברהם זאב הכהן

HALACHAH Highlight

Sitting on a monument

אני ראיתי וישבתי על קברו

I saw him (a ben sorer umoreh) and sat on his grave

R' Yonason relates that he sat on the grave of a ben sorer umoreh. Rav Akiva Eiger¹ points to Shulchan Aruch² who rules that a structure that contains a corpse (קבר של בנין) is prohibited for benefit. Shach³ there writes that one is forbidden to lean on a grave or walk on graves since they are prohibited for benefit. How then could R' Yonason sit on the grave of a ben sorer umoreh?

Teshuvos Vayitzbor Yosef⁴ answers based on an assertion that Tosafos makes in Bava Kamma (16b). Tosafos⁵ explains that when the Gemara states that a yeshiva was established on his grave it should not be understood literally since erecting a yeshiva on a grave would violate the prohibition against mocking the deceased (לועג לרש). Rather, the term על should not be explained as "on," it should be understood to mean "next to." Similarly, in our Gemara R' Yonason was stating that he sat near the grave of בן סורר ומורה rather than on the grave. He notes that this explanation is given by the sefer Vayilkat Yosef who was troubled by a kinah that states that Yirmiyahu Hanavi walked על – on the graves of our forefathers. How could Yirmiyahu Hanavi walk on the graves of our forefathers if he was a kohen? It must be that the term על should be understood as "near" rather than on.

Minchas Gershuni⁶ suggests that R' Yonason sat on the grave to demonstrate that R' Shimon's assertion that there could never be a בן סורר ומורה was wrong. As such the benefit he had from sitting on the grave was unintentional (אינו מתכוין). Although we hold that an inevitable outcome (פסיק רישיה) is prohibited even if it was unintentional, Magen Avrohom cites Terumas Hadeshen that a פסיק רישיה is permitted for something that is only Rabbinically prohibited and Mishnah Lamelech holds that the prohibition against deriving benefit from a grave is a Rabbinic prohibition. ■

1. גליון הש"ס.

(Overview...continued from page 1)

בן סורר ומורה the child cannot be a בן סורר ומורה. The procedure for making a child a בן סורר ומורה is described.

8) Clarifying the Mishnah

It is suggested that the Mishnah requires that a verse be followed literally, but this suggestion is rejected.

Abaye explains that two witnesses must hear the parent's warning and three judges are necessary to administer lashes.

The source that a בן סורר ומורה receives lashes is cited.

The Gemara unsuccessfully challenges the exposition of the Gemara that the word זה is used to teach that the three judges who administered the lashes must be present when the panel of twenty-three judges convene.

9) **MISHNAH:** The Mishnah discusses whether fleeing from Beis Din until he is too old to be a בן סורר ומורה will exempt him from the death penalty.

10) Changing one's status

R' Chanina rules that a gentile who blasphemed and then converted is exempt from execution.

It is suggested that our Mishnah supports this ruling but the Gemara rejects the suggestion.

Two unsuccessful attempts to refute this ruling are recorded.

An unsuccessful attempt is made to support this ruling.

11) **MISHNAH:** The Mishnah begins with an explanation why the בן סורר ומורה is executed. It then gives examples of things that are beneficial for the righteous but detrimental for the wicked. ■

2. שו"ע יו"ד סי' שס"ד סעי' א'.

3. ש"ך שם סק"ג.

4. שו"ת ויצבר יוסף סי' ע"ה.

5. תוס' ב"ק ט"ז: ד"ה שהושיבו.

6. מנחת גרשוני עמ"י סי' הלכה ס"א.

7. מג"א סי' ש"י"ד סק"ה. ■

STORIES Off the Daf

Missing pieces

"קרעים קרעים..."

Rav Nosson Geshtetner explains a statement on our daf with a parable. "We are fortunately living in a time when sefarim are easily acquired, but it was not always so. Not too long ago, sefarim were very expensive and money was scarce. During such a time a certain bochur wished to purchase his own maseches Shabbos, but the price quoted was more than he could afford. When the bookseller heard this, he suggested that the bochur purchase a torn copy which he would sell for a certain discount for each missing

page. The bochur rejected this suggestion out of hand. Since he was planning to learn the entire tractate, what was the point of purchasing an incomplete copy? How could he possibly skip the missing pages?

"This explains the Gemara in Sanhedrin 71. There we find that the Torah of one who sleeps in the beis midrash becomes קרעים קרעים, 'torn up,' and will not succeed. Sleeping in the beis midrash can refer to wasting time which the Yerushalmi says is equivalent to a waking sleep. What does קרעים קרעים mean? Picture a bochur who shows up to seder at nine A.M., to prepare a complex sugya for shiur that day. If after an hour of learning he wastes ten minutes schmoozing unnecessarily, he is likely to find that he has lost his hold over the sugya and must back-

track and try to get back into it. The same is true with one who learns a daf Gemara. If he wastes time, he will lose his focus and forget the earlier shakla v'tarya. Obviously, he will be unable to advance in the Gemara, based on the earlier sugya if he allowed himself to slip in this manner. Similar to a Gemara with missing pages, he will often find that he failed to make up what he lost and has gaps in his learning.

"As the Koztzer Rebbe, zt"l, said about using one's time to learn: 'The main thing is to use one's time and stay focused on what he is learning for the entire duration of his study. It is only in this way that the greatest sages excelled and gained mastery in Torah!'" ■

1. חדש בחודשו, סיון, תשס"ו, ע' ג' ■

