

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) **MISHNAH:** The Mishnah presents a list of people who may be killed to prevent a sin and a list of others who may not be killed to prevent them from sinning.

### 2) Killing the pursuer

A Beraisa presents the source that allows one to kill a pursuer.

This source is rejected and another source is suggested.

This source is also rejected and the Gemara finally identifies the authoritative source for this principle.

### 3) Saving the life of another

A Beraisa identifies the source of the obligation to save the life of another.

An alternative source for this principle is presented and the Gemara explains why both sources are necessary.

### 4) Killing the pursuer (cont.)

A Beraisa adds more examples of when a person could be killed to prevent him from sinning and more examples of when the sinner may not be killed.

The sources for killing the pursuer of different categories of transgressions are presented.

The necessity for all the different expositions is explained.

The Gemara explains the necessity for the different expositions for R' Shimon ben Yochai and R' Elazar the son of R' Shimon who disagree with certain assumptions of the original explanation.

### 5) The betrothed נערה who asks for her pursuer to not be killed

(Continued on page 2)

## REVIEW and Remember

1. What is the source that one must kill a pursuer?  
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2. Why are so many different expositions needed to teach that a pursuer is killed?  
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3. Is one permitted to kill someone who is going to worship idolatry?  
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4. Is one permitted to kill someone who is pursuing a woman with whom relations are punishable by kares?  
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## Distinctive INSIGHT

### *Saving the life of someone who is drowning*

מנין לרואה את חבירו שהוא טובע בנהר כו' שהוא חייב להצילו?  
 תלמוד לומר כו'

The Baraisa teaches that if someone is drowning in the river, anyone who sees him is obligated to save him, to the best of his ability. The question is asked regarding a case where someone is attempting to commit suicide. If a person throws himself into a river, is an observer obligated to try to save him?

The underlying principle which obligates an observer to save someone else's life is that the Torah commands us to return a lost object to its owner. If this is true regarding restoring a simple monetary item to its owner, it is certainly the case regarding returning a person's very life to him, if he is in danger of losing it. In a case of suicide, however, the person has cast his life aside intentionally, which is analogous to a case where a person threw away an object he owns. In the case of knowingly throwing away an object, it is not necessary for anyone else to intervene and restore it back to him (see Rambam, Hilchos Gezeila v'Aveida 11:11). Accordingly, there is room to say that it would not be necessary for an observer to intervene to save a person who is willfully throwing his life away by attempting to commit suicide. Minchas Chinuch (Kometz Hamincha, Mitzvah 237) writes that an observer who refrains from intervening in this case would not be in violation of the verse, "Do not stand upon the blood of your fellow man," and he is also not held responsible for the command of "והשבותו לו" from which we know that one must sustain the life of his friend which is in jeopardy.

Based upon a Gemara in Bava Metzia (28b), עין אליהו concludes that it would be necessary to save someone who is attempting to commit suicide. The Gemara discusses the halacha of lending money to a person who has financial resources of his own, but he refuses to use them. One opinion is that we are obligated to help such a person and to lend him money. This is derived from the verse (Devarim 15:8): "והעבטו—תעביטנו—You shall grant him enough for his lacking." R' Shimon disagrees and says that we need not help a person who has caused his own state of dependency. Nevertheless, even according to R' Shimon, the only reason we do not have to help such a person is that in that case, he is still able to access his own funds at any moment. He can still help himself. However, when a person casts himself into a river to kill himself, he is no longer able to save himself, and he is in need of others to save him. Even though he caused his own problem, when a person cannot help himself it could be that all opinions would say that an observer must do all he can to save him. ■

# HALACHAH Highlight

## Organ donation

מניין ... שהוא חייב להצילו ת"ל לא תעמוד על דם רעך

How do we know ... that he is obligated to save him? The verse teaches, "You should not stand by the blood of your friend."

**P**oskim discuss whether one is obligated to donate an organ to someone who is in need. For example, one could donate a kidney or part of his liver to save the life of a person who would otherwise die without the organ donation. Since the procedure to take the organ is not particularly dangerous and a person could live a long and healthy life without these organs, is one obligated to donate organs when the need arises?

Shulchan Aruch<sup>1</sup> writes that other than the three cardinal sins one must transgress the Torah in private rather than give up his life. Rema<sup>2</sup> adds that if one has the option to give up his possessions rather than sin he is obligated to do so. Shach<sup>3</sup> questions whether one is obligated to sacrifice a limb in order to avoid transgressing a prohibition. Is it similar to the case of one's life and one should sin rather than sacrifice a limb or is a limb more similar to one's possession and one must sacrifice a limb rather than transgress a prohibition? His tendency is to be lenient and from this position it seems that one is not obligated to sacrifice a limb in order to avoid transgressing a prohibition. Rav Moshe Feinstein<sup>4</sup> writes, based on this, that one is not obligated to donate an organ to one who

(Insight...continued from page 1)

Rava explains the point of dispute between Rabanan and R' Yehudah whether we kill one who pursues a betrothed נערה even when she asks that his life be spared.

Abaye clarifies to R' Pappa a point about this explanation.

### 6) Killing one who pursues relations punishable with כרת

A contradiction between our Mishnah and a Mishnah in Kesubos is noted whether one who pursues relations punishable with כרת is to be killed.

One possible answer is suggested but rejected.

Two resolutions to the contradiction are presented. ■

is deathly ill since one is not obligated to sacrifice a limb in order to avoid violating the prohibition of לא תעמוד על דם רעך, which as our Gemara teaches is the source for the obligation to save the life of another person.

Despite the fact that there is no obligation to donate an organ to save the life of another, one may choose to be an organ donor. Generally, one may not put himself in danger to save the life of another based on the rationale, who is to say that his life is more valuable than your own. This principle, however, does not apply here since the danger to the donor is minimal; one is permitted to take that risk to save the life of someone whose life is in certain danger. ■

1. שו"ע יו"ד סי' קנ"ז סע' א

2. רמ"א שם

3. ש"ך שם סק"ג

4. שו"ת אג"מ יו"ד ח"ב סי' קע"ד ענף ד' ■

# STORIES Off the Daf

*"Do not stand by your brother's blood!"*

לא תעמוד על דם רעך

**O**n today's daf we find that one must not sit idly by and ignore Jewish bloodshed. One must do anything in his power to avoid this, as the verse states, לא תעמוד על דם רעך—Do not stand by your brother's blood."

In 1978 in Bayit Vegan, six young bnei Torah were cut down in the prime of their lives by terrorists. Rav Moshe Shmuel Shapiro, ז"ל, gave a rousing public speech:

"We struggle for our lives. The enemy within our midst secretly plots mur-

der and destruction and great danger is palpable before our eyes. Why don't people make time to gather together in public prayers for the Jewish people? Shouldn't we pray to prevent another calamity? There are two possible reasons for people's inactivity. Either because dead flesh cannot feel the cut of a knife or because people lack emunah that prayer is the means to our deliverance. Rabbeinu Yonah writes, 'One should pray every day that the sick recover, the healthy not take ill, and that Hashem protect us from all harm... Above all [one should pray to Hashem that he] protect the remnant of Torah and avenge those who harm them, quickly in our days. In addition, we should pray that the holy nation does complete teshuvah.'<sup>1</sup>

"This is the avodah of yeshiva students, to join in the pain of klal Yisrael. Who can bear to hear the terrible tidings of young and pure bnei Torah who died such horrible deaths? We were set for a joyous Shabbos and suddenly this? May Hashem have mercy.

"During World War I, the Chofetz Chaim, ז"ל, slept on the floor or a bench in the kitchen, with only his hands for a pillow. When members of his household asked him why, he replied, "In a time when Jewish korbanos fall on the battlefields and our people freeze and starve every day, you expect me to sleep in a comfortable bed with a pillow and a blanket!"<sup>2</sup> ■

1. סופר ספר היראה

2. מזהב שבע שמות ב: י"א