



This month's Daf Digest is dedicated
L'Ilui Nishmas Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) Clarifying the statement of Abba Shaul (cont.)

The Gemara concludes that Abba Shaul was saying to Tanna Kamma: Based upon your agreement that it is permitted to say to one's friend, "Watch my fruit that is within your techum and I will watch your fruit that is within my techum," therefore you should agree, as a general rule, that whatever one is permitted to instruct to another will be permitted for the person to wait for nightfall.

The Gemara identifies the additional cases that are included by Abba Shaul's rule.

2) **MISHNAH:** Permitted reasons to wait for nightfall at the end of the techum are listed. Other halachos related to funeral preparations are presented.

3) Using flutes brought from a "nearby" place

According to Rav, "nearby" means that one must know for certain that the flutes were within the techum before Shabbos began. Shmuel, however, maintains that even if there is the possibility they were within the techum when Shabbos began they may be used.

The Gemara finds support for Shmuel from the Mishnah and for Rav from Tanna Kamma's opinion in a Baraisa.

4) Using a grave and coffin made by a non-Jew on Shabbos

The Gemara explains the circumstances necessary to permit using the grave and coffin made by non-Jews immediately after Shabbos.

5) **MISHNAH:** The Mishnah continues to discuss issues related to a deceased person.

6) Anointing and rinsing a corpse

The Gemara questions the Mishnah's lenient ruling permitting anointing and rinsing a corpse from the statement of R' Yehudah in the name of Shmuel who prohibits smearing oil on the floor. The reason is seemingly because it is prohibited to smear something which is muktza.

The Gemara answers that the prohibition of R' Yehudah in the name of Shmuel is based on a different reason, namely, a concern that the person will smooth the floor.

7) Clarifying the Mishnah

The Gemara identifies what is included in the Mishnah's teaching: one may attend to all the needs of the deceased."

8) **MISHNAH:** The Mishnah discusses issues related to touching a corpse.

9) Closing the eyes of the deceased

A Baraisa explains the reason why it is forbidden to close the eyes of a person at the moment of death.

A Baraisa teaches a permitted way to close the eyes of a corpse.

10) The contrast between the living and the dead

R' Shimon ben Gamliel contrasts the care permitted for one who is alive and one who is dead.

R' Shimon ben Elazar mentions that even animals know to distin-

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Today's Daf Digest is dedicated
לע"נ מרת סלאווא בת ר' יהודה משה ע"ה
By Mr. and Mrs. Martin Samber

Distinctive INSIGHT

Violate the Shabbos to save a life

אמרה תורה חלל עליו שבת אחת כדי שישמור שבתות הרבה

Shulchan Aruch rules (O.C. 329:4) that if a person is found dying and violating the Shabbos to help him will only extend his life for a few moments, we are still required to do whatever we can. This is true even though we will technically not succeed in having him "observe many more Shabbosos". The Bi'ur Halacha explains that although the rule in our Gemara which allows saving a life on one particular Shabbos only in consideration of the future benefit of observing many more Shabbosos, this concept must be understood more generally. The goal is to save a life in order to have this person live to observe mitzvos, whatever they may be, even if he will not survive to see another Shabbos.

Meiri (Yoma 85b) writes that in order to save a life, we must violate Shabbos, as necessary, even if it only extends life for a moment, because during that moment the person can do teshuva in his heart and confess. Meiri also writes that the reason of "living to observe many more Shabbosos, or to do mitzvos" is given in order to be able to relate to the concept in the Gemara, but the halacha does not rely upon these factors. The concept is actually that "the life of a Jew" is more precious than the observance of any particular mitzvah, as we find in the name of Shmuel (Yoma 85b): "And you shall do them (the mitzvos) in order to live by them" (Vayikra 18:5) - and not that you should die by them.

Where is the source that a person can violate the Shabbos in order to save the life of someone other than himself? The verse which teaches that a person must preserve his life even if doing so necessitates violating a transgression only indicates that a person must save himself (וחי בהם), but how do we know that a person can violate a sin to save someone else?

The ריא"ף, in his commentary to Ein Yaakov, says that this is based upon the verse (Vayikra 25:36) "Your brother shall live with you." From here we see that just as a person must preserve his own life, so too must he guard and protect the life of his brother. ■

REVIEW and Remember

1. What is the rationale to permit preparations for a wedding or funeral on Shabbos?

2. What is the consequence for one who forsakes the Torah to pursue self-indulgence?

3. Under what circumstance would a lion attack a group of people?

4. Why did R' Chanina not cry when his daughters passed away?

HALACHAH Highlight

Treatment of the dying

משנה: אין מעצמין את המת בשבת ולא בחול עם יציאת נפש והמעצים יציאת הנפש הרי זה שופך דמים

Mishnah: The eyes of the dead may not be closed on Shabbos, nor on a weekday as the soul expires, and a person who closes the eyes as the soul expires is a killer.

In Meseches Semachos¹ the Baraisa adds that a person who even touches a dying person is a killer. There are, however, circumstances in which a dying person may be touched. For example, if a fire breaks out in the house in which the person is dying, it is permitted to remove him from the house.² In the same vein a physician may touch the dying person in order to treat him, so long as there is even the most remote hope that the patient's life might be extended. Only once the patient is beyond hope, does it become forbidden to touch him. At that point, it is forbidden to perform even the most routine procedures on him, such as checking blood pressure or temperature, or even checking his pulse.³

However, while it is forbidden to shorten the life of a dying person even by a few moments, it is not necessary to make heroic efforts to prolong life either. In this respect, Rabbi Shlomo Zalman Auerbach⁴ distinguishes between treatments that meet a patient's basic natural needs, or that are customary and routine, and treatments that do not meet natural needs and that are not routine.

For example, it is forbidden to deprive the dying patient of oxygen, food or intravenous nutrition. If the patient suffers from diabetes he may not be deprived of insulin. If he is being transfused, he may not be deprived of blood. If he is on a course of antibiotics, it may not be stopped. Yet, there is no obligation to actively treat the patient if the treatment if it will prolong (and certainly if it will cause) suffering and not heal his illness – especially if the patient himself does not want to be treated.

If the dying patient has ceased breathing or his heart has

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guish between those who are alive and those who are dead.

11) Aggadaic teachings

Two teachings are recorded that indicate that it is safer to be with another person than to be alone.

R' Shimon ben Elazar teaches the necessity to do mitzvos while alive in this world.

R' Elazar HaKapar emphasizes the importance of davening that one should not become impoverished.

The Gemara relates that poverty is a circle that is always revolving, and if one deals charitably with others, his descendants will be treated charitably by others.

The Gemara begins a lengthy exposition of pesukim from Koheles. The first topic relates to a person's tears. ■

stopped beating, there is no obligation to resuscitate him or attempt to restart his heart.⁵

Rabbi Shlomo Zalman Auerbach also rules that it is permissible to administer morphine and other pain medication to a dying patient, even though the medication may itself kill him or hasten his death. The only restriction that Reb Shlomo Zalman imposes is that no single injection that will inevitably in itself hasten the patient's death may be administered. It is only permissible to administer the medication in a manner that over time will take its toll. For example, a patient who has difficulty breathing may not be given morphine when it is likely that the morphine will arrest his breathing altogether – as this would be the equivalent of our case of closing the eyes of a dying man – unless the patient is respirated artificially.⁶ ■

1. מסכת אבן רבתי פרק א' דין ד': אין מעצמין את עיני הגוסס הנוגע בו ומזויו הרי זה שופך דמים שהיה רבי מאיר אומר משל לנר שהוא מטפטף כינו שנגע בו אדם מכבהו כך כל המעמץ את עיני הגוסס מעליך עליו כאילו הוא נוטל נשמתו
2. חידושי הגרעק"א ליו"ד סי' שלי"ט סעיף א'
3. נשמת אברהם ליו"ד שם סק"ג
4. נשמת אברהם שם סק"ו
5. כל זה בנשמת אברהם שם, וצ"ע גם לשו"ת אגרות משה יו"ד ח"ב סי' קע"ד ולשו"ת צ"ח אלעזר ח"י"ג סי' פ"ז
6. כל זה ג"כ בנשמת אברהם שם ■

Gemara GEM

Messianic Message

והגיעו שנים אשר תאמר אין לי בהם חפץ – אלו ימי המשיח

And the time will come when you will say, "I have no pleasure in them." This refers to the days of the Moshiach. – 151b

The posuk tells us in Parashas Nitzavim (Devarim 30:6): "And God, your Lord, will circumcise your heart and the heart of your offspring, to love God, your Lord, with all your heart and with all your soul, that you may live."

Based on this verse, the Gemara (Shabbos 104a) tells us that if someone comes to purify himself, he is assisted from on

high. The Torah assures us that we will return to Him with all our heart and He will help us. Since the time of Creation, man has had the power to do as he pleased, to be righteous or wicked. This grant of free will applies also to the entire Torah period, so that people can gain merit when choosing the good and will receive punishment for preferring evil. However, Ramban explains that in the days of the Moshiach, their choice of good will be natural. The heart will not desire the improper and it will have no craving whatever for it. This is the "circumcision" mentioned here, for lust and desire are the "foreskin" of the heart, and circumcision of the heart means that it will not covet or desire evil. Man will return at that time to what he was before the sin of Adam, when by his nature he did what should be properly done,

and there were no conflicting desires in his will. It is not that the choice of wickedness - and the punishment for choosing it - will not be there, but rather that man will be so motivated for good that he will naturally make the proper choice, and it will appear as though the instinct for evil has been completely eliminated.

It is in reference to that time that our sages said (Shabbos 151b): "And the years draw near when You shall say (Koheles 12:1) 'I have no pleasure in them.' These are the days of the Moshiach, as they will offer opportunity neither for merit nor for guilt." For in the days of the Moshiach there will be no evil desire in man, but he will naturally perform the proper deeds. There will be neither merit nor guilt in them, for merit and guilt are dependent upon desire. ■