

OVERVIEW of the Daf

1) Following the majority to save a life (cont.)

The contradiction between the two rulings of Shmuel is resolved.

The Gemara proceeds to explain different halachos mentioned in the above-cited Mishnah in Machshirin.

2) Clarifying the Mishnah

The language of the Mishnah, concerning the obligation to attempt to save a life even in cases of doubt is clarified.

Two more points regarding the Mishnah are clarified.

The reason R' Yehudah ben Lakish would distinguish between saving a corpse from a fire but not pulling as corpse out from beneath a pile of rubble is explained.

3) Searching a pile of rubble

A Baraisa records a dispute how much of the victim's body must be examined to determine that he is dead.

The dispute in the Baraisa is examined and clarified.

4) Saving a life on Shabbos

Different sources are identified as the source that permits violating Shabbos to save a life.

In summary Rav states that all the sources could be challenged except for the source submitted by Shmuel which can not be refuted.

5) MISHNAH: The Mishnah enumerates different ways atonement can be achieved and what is atoned with those methods. Additional issues related to atonement are presented.

6) Clarifying the Mishnah

Two reasons are submitted to explain why the Mishnah does not include the **אשם תלוי** in its list.

The Gemara clarifies whether death can effect atonement by itself.

It is noted that the Mishnah seems wordy, if teshuva atones for prohibitions isn't it obvious that it atones for positive mitzvos?

R' Yehudah explains what the Mishnah intended to teach. ■

Distinctive INSIGHT

To live by the mitzvos, and not to die through them

אמר שמואל אי הואי התם הוה אמינא דידי עדיפא מדידהו : וחי בהם—ולא שימות בהם

The source Shmuel brings to prove that preservation of life supersedes the observance of mitzvos (except when Kiddush Hashem is involved) is from the verse (Vayikra 18:5): "And you shall observe My decrees and My judgments, which man shall carry out and live by them (וחי בהם) I am Hashem."

Rabbi Chaim of Volozhin explains that the observance of the statutes and laws of the Torah provide a system by which we can obtain life. Yet, this "life" is one which is literally "within us", for as soon as a person commits himself to fulfill a mitzvah, a response is generated in the heavens. An inspirational abundance of spiritual light and holiness descends upon the person which then assists him to complete his mitzvah. This is what is meant when our Sages tell us (Yoma 38b): "When one comes to become pure he is assisted from above."

After the person succeeds in completing the mitzvah, this same spirit then resurges and strengthens the person and enables him to consider and pursue other mitzvah opportunities as well. As the Mishna states (Avos 4:2): "One mitzvah brings another." The reason for this is that once a person is enveloped with this spirit of holy inspiration, he is sheltered by a shadow of the Shechina which protects him from the yetzer hara, and he can proceed safely and accomplish even more. In fact, if a person takes

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REVIEW and Remember

1. Is there an obligation to save a person who will not survive for a long period of time?

2. Why is it permitted to kill in order to save property?

3. For which sins is teshuva by itself effective?

4. What, according to R' Akiva, makes the Jewish People fortunate?

HALACHAH Highlight

Saving the life of one who is insane

ר' שמעון בן מנסיא אומר... חלל עליו שבת א' כדי שישמור שבתות הרבה... אמר שמואל... וחי בהם ולא שימות בהם

R' Shimon ben Menasya said ... desecrate on his behalf one Shabbos in order that he should keep many Shabbosos ... Shmuel said ... "He should live by them," and he should not die by them.

Poskim¹ discuss whether it is permitted on Shabbos to save the life of one who is insane. The reason for the uncertainty is that two drashos are cited as the reason to violate Shabbos to save a life. According to R' Shimon ben Menasya, Shabbos is violated to save a life because of the principle, desecrate one Shabbos in order to keep many Shabbosos. A second source, cited in the name of Shmuel, is the principle **וְחַי בָּהֶם וְלֹא שִׁמּוֹת בָּהֶם**—one should live with the mitzvos rather than die by them. According to Shmuel there is no reason to distinguish saving one who is mentally competent or one who isn't, but according to R' Shimon ben Menasya one could suggest that an insane person would not be saved since he is not going to keep Shabbos even if he is saved due to his impaired mental capacity. The Poskim rule that one is obligated to save the life of one who is insane².

Furthermore, Poskim³ write that it is permitted to desecrate Shabbos to prevent a person from undergoing a men-

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note as he becomes involved in a mitzvah, he can even detect this spirit within him, as he can feel this sense of purpose and mission which is a somewhat contagious desire to continue to fulfill the will of his Creator.

As the verse reports, a person who pursues the fulfillment of a mitzvah is enveloped with this spirit of holiness and lives within this aura. It is a spirit of Gan Eden, which he merits to enjoy while he still remains in this world. ■

tal breakdown. Similarly, if doctors were to determine that fasting would be dangerous to a person's mental health he must eat, even though it is clear that fasting does not pose any immediate physical danger to the patient⁴.

There is, however a disagreement regarding the type of the mental illness discussed by the earlier Poskim. According to some⁵, Shabbos is violated only for a person who suffers from a mental illness that poses a danger to the patient, whereas according to others⁶ the leniency applies even if the only consequence is that the patient will become mentally incapacitated as a result of not treating the condition. ■

1. שו"ת הלכות קטנות ח"ב סי' ל"ח וע' בה"ל סי' שכ"ט ס"ד ד"ה אלא ושו"ת אג"מ אר"ח ח"ג סי' ס"ט
2. בה"ל ואג"מ הנ"ל
3. ע' מג"א סי' תקנ"ד סק"ח בענין ט' באב ופמ"ג שם ושו"ת אג"מ אה"ע ח"א סי' ס"ה
4. ושו"ת אג"מ אה"ע ח"א סי' ס"ה
5. שו"ת שבט הלוי ח"ד סי' ל"ד ■

STORIES Off the Daf

I will sin, and I will repent later

האומר אחטא ואשוב אין מספיקין בידו לעשות תשובה אחטא ויוה"כ מכפר אין יוה"כ מכפר

Anyone who says that he will sin now and take advantage of his ability to repent later is, we see on today's daf, prevented from doing teshuvah later. The Lev Eliyahu, zt"l, explains that this is not so much a segulah as it is a result of human nature. Since sin pollutes the soul and dulls its holy sensibility, the person who sins is not in the same state that he was before his sin. Beforehand, he had enough

sensibility to know that what he was about to do demands repentance. Afterward, the sin affects him so that he no longer has the same resolve to repent. If before he indulged he failed to control himself, how can he possibly manage it now that his heart is blocked?

On the very last erev Yom Kippur of his life, a group of yeshiva students came to visit the Chazon Ish, zt"l. One of the boys asked the gadol, "On Yom Kippur everyone does teshuvah, but didn't we repent of the same flaws last year already? If we persisted in the sins that we repented of last year, and if it is likely that we're going to fall into the same temptations again this year, doesn't this coming teshuvah of

Yom Kippur make us like someone who says, 'I will sin and Yom Kippur will atone for me?'"

The Chazon Ish responded with a question of his own. "Why did Hashem create man with innate weaknesses? He did it for this very reason; that he will sin and repent, and sin again and repent again. This cannot be compared to a person who eases his guilty conscience by resolving to repent later on for a sin he is about to do. On Yom Kippur, we really do want to repent fully, and we sincerely take upon ourselves to change our ways. The one mentioned in the Gemara who says that he will sin and will repent later does not really want to repent at all." ■

