

Seder Nezikin | Sanhedrin 42-48 | Shabbat Parashat Ki Tetzeh | 5-11 Elul (27 Aug.-2 Sept.)

Daf 42: בְּרַכַּת הַלְבָנָה – Blessing The New Moon



Starting mid-month, the moon seems to get smaller and smaller until it disappears from sight at the month's end. At the beginning of each month, the moon appears and we recite a special *bracha* called "*Birkat HaLevana*" (Blessing for the [new] moon). *Birkat HaLevana* should be recited no later than the middle of the month, as at that point, our view of the

moon reaches its fullest. The Sages of Nehardea taught that once the moon is no longer new, the *bracha* is not to be recited.

Rashi explains portions of *Birkat HaLevana* as follows: We praise the heavenly forces and we say: "Appointed times and roles were given to the heavenly bodies by God, so they do not alter their appointed tasks." God set a unique path for each star, through which it routinely moved. God told the moon it would be renewed every month "as a crown of beauty for *amusei beten*."

The phrase "*amusei beten*" (those born from the womb) is a nickname for *Am Yisrael*. The perpetual renewal of the moon is intended to be a sign of glory for *Am Yisrael*. Just as the moon is rejuvenated after its decline, similarly, *Am Yisrael* will be rejuvenated at the hour of its redemption from the diaspora. Then, *Am Yisrael* will have the privilege of "praising its Maker."

Daf 43: וְיִדְוִי — Confession



Saying *Vidui* (confession) combined with *chazara b'teshuva* (repenting for prior bad deeds) constitutes a *mitzvah aseh* (positive commandment). In *Sefer HaChinuch* (a discussion and commentary on the 613 *mitzvot* published in 13th century Spain) it is written: "Regarding the *Vidui* — the person repenting states: 'Please God, I have sinned, I was at fault, I did such-and-such wrong, I ask forgiveness for my sin.' The confessional should be prolonged to the extent one's eloquence allows."

The reason for the *mitzvah* of *Vidui* is that by verbally acknowledging the misdeed, the true beliefs of the sinner are revealed. Since all

deeds are revealed and known to God, one cannot pretend that His all-seeing eye does not see. In addition, taking note of a particular sin and consoling one's self over having committed it generally causes a person to be more cautious. (Cont'd on p. 2)



FROM THE TALMUD
SEDER NEZIKIN
MASECHET SANHEDRIN
daf 42

מן התלמוד:

סדר נזיקין, מסכת סנהדרין, דף מ"ב:

"כי בתחבולות תעשה לך מלחמה - אמר רבי אחא בר חנינא אמר רבי אסי אמר רבי יוחנן: במי אתה מוצא מלחמתה של תורה? במי שיש בידו חבילות של משנה. קרי רב יוסף אנפשיה: וְרַב תְּבוּאוֹת בְּכֶן שׁוֹר."

Translation

K'ri ... Call

A'naf'shay Regarding himself

Explanation

Chazal interprets the *p'sukim* (verses) in the book of *Mishlei* (Proverbs) that talk about war, as a metaphor for the study of Torah: One who makes the effort to learn many "*chavilot*" (packages or portions) of *Mishnah* will achieve success in the battle of Torah.

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(Cont'd from p. 1) This can help prevent temptation from causing future sin. After saying *Vidui*, in his/her own words: "I did such-and-such and I was frustrated by my actions," a person will monitor him/herself to avoid repetition of the sin. In taking this action, the person repenting will also satisfy his/her Maker, as He is the force of benevolent goodness, who looks out for the welfare of His people and directs them toward the proper path.

The ideal time for fulfilling the mitzvah of *Vidui* is Yom Kippur and not confessing wrongdoings on Yom Kippur violates a *mitzvat aseh*. It is customary for a person who is ill and might die to recite *Vidui*, as "woe to an individual, should s/he die without confessing and forever carry their sins onward with them".

Daf 44: מַלְאָךְ בַּלַּיְלָה – Angel in the Night



When *B'nai Yisrael* entered *Eretz Yisrael* and fought the peoples residing in the land, their first siege was of the city of Jericho. As they blockaded Jericho, *Yehoshua* saw an angel brandishing an unsheathed sword. The angel said he was a minister of God's army.

The angel admonished *Yehoshua* for committing two sins — first, toward evening, he continued to lay siege to the city of Jericho, unnecessarily, and as a result, the nation did not offer the daily evening sacrifice. Second, now that it was night and there was no fighting, he remained idle and, without any excuse, did not study Torah.

Yehoshua asked the angel — which sin is more severe? The angel replied: the sin of wasting time that could be spent on studying Torah is a greater sin. *Yehoshua* immediately showed remorse, and from that point on, he and his forces did not occupy themselves with the siege of Jericho at night. Rather, they would engage in the study of Torah. Through this anecdote, the Talmud teaches that the *mitzvah* of *Talmud Torah* is of even greater significance than the offering of the *korban tamid* (the twice-daily sacrifice).

Daf 45: שׁוֹר שֶׁנִּפְלַל לְבוֹר – An Ox Who Fell Into A Ditch



A person who causes financial loss to his/her fellow is required to repay the sum of the damage caused. However, not only is a person responsible to repay damage caused with their own hands, but he/she are also liable for repaying the sum of any damage caused by one's possession — e.g., an ox.

One of the primary categories of damages is "*Bor*" (a ditch) — which refers to a person who digs a ditch in the public space and thereby causes damage. For example, if a neighbor's ox or donkey was innocently walking in the public area, falls into a ditch and dies, the person who dug the ditch is responsible to repay the animal's owner for the damage caused. (Cont'd on p. 3)

★ | Israeli History

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תש"ח/1948 War of Independence

Milchemet HaShichrur or *Milchemet HaAtzmut* (War of Independence) broke out on the 30th of November 1947 (17th of Kislev 5708), after the acceptance of the UN Partition Plan. When independence was officially declared in May 1948, the armies of the Arab countries invaded the country. Israel won the war, which took a heavy toll on the Arab armies, especially the Egyptian army. As a result of the war, Israel expanded its borders beyond those established under the Partition Plan, and in the armistice agreements the Arab states actually recognized these new borders. The war ended on July 20, 1949 (23 Tammuz 5708) with the signing of the final armistice agreement with Syria. During Israel's War of Independence, 6,000 men and women were killed on the Israeli side, of whom 2,400 were civilians. This figure constituted about one percent of the Jewish population in Israel, which then numbered about 600,000.



Children of Kibbutz Dorot near the armored 'Butterfly' of the Second Battalion, Negev Brigade, Palmach (JNF Photo Archive)



(Cont'd from p. 2) In *Masechet Bava Kamma*, we learn that a person who digs a ditch in the public area is only responsible for payment of damages if that ditch is sufficiently deep that it would likely cause the death of an animal that fell into it. However, if the ditch is not so deep, the person who dug it is not liable for the death of an animal that falls into it, since such a ditch is only likely to cause injury, but not death. What depth is required for a ditch to be considered deep enough to "likely cause death"? On this *daf*, the depth stipulated is 10 *tefachim* (approximately 38.6 inches).

Daf 46: "שְׁבוֹר מַלְכָּא" – "Shevor Malka"

Over 1,700 years ago, a gentile king named "Shevor Malka" (Shapur I) ruled over Persia. Shevor was the most talented son of *Ardeshir*. During *Ardeshir*'s lifetime, he appointed Shevor to succeed him as king. Shevor was famous for his success in battle, including several battles in which he brought about the defeat of the Roman armies.

Once time King Shevor captured the Roman emperor. Amazingly, King Shevor learned Torah and was very knowledgeable regarding *halacha*. King Shevor was a friend of the *Amora Shmuel* and Shevor's name is mentioned in the Talmud many times. Once, King Shevor asked *Rav Hama* for a Torah source mandating burial of human remains — as there is no explicit mitzvah in the Torah to do so. *Rav Hama* neglected to answer him. *Rav Acha Bar Ya'akov* was shocked that *Rav Hama* remained silent and did not respond, as it is possible to cite evidence to prove that burial is a Torah *mitzvah*.

The Talmud mentions several examples of Biblical *tzadikim* who died and were buried. *Avraham* buried *Sarah* in *Me'arat Hamachpelah*; *Yitzchak* and *Yishmael* buried *Avraham* there as well. God Himself buried *Moshe Rabbeinu*.

Daf 47: מְקוֹם קְבוּרָה רְאוּי – An Appropriate Burial Place



In the Talmud it states that one must pay strict attention not to bury a *rasha* (wicked person) near a *tzadik* (a righteous person). In *Sefer Melachim* (Book of Kings), a story is told about a group of people who were burying a *rasha*. During those days, Moabite army brigades spread out across *Eretz Yisrael*. While they were still in the

midst of burying a particular *rasha*, one of the enemy brigades burst forth out of nowhere. The gravediggers were extremely afraid of the soldiers and instead of digging a pit in which to bury the deceased, they quickly opened an existing burial cave and place the departed inside.

It turned out that the prophet *Elisha* was buried in that cave. Immediately, when the dead body of the *rasha* touched *Elisha*, the *rasha* stood up and walked out of the cave. Only once the *rasha* got outside, did he resume being dead. The Talmud explains that this *nes* (miracle) occurred to enable the *rasha* swiftly to exit the burial cave, as it is not proper to bury a *rasha* next to a *tzaddik*.

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PULS certified technicians hanging a smart TV.
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Daf 48: – האם מותר להשתמש בגרתיק התפילין? Is It Permissible To Make Use of a Tefillin's Outer Pouch?

As is well known, a *Sefer Torah*, *Mezuzah* and *Tefillin* are all holy. *Rav Hisda* added that not only are *Tefillin* themselves holy, but the case that protects the *Tefillin* is considered holy as well. Therefore, it is prohibited to place money or any other foreign item inside the *Tefillin* pouch.



From what point is a pouch regarded as a dedicated *Tefillin* pouch? If the owner does not intend to use the pouch exclusively to house *Tefillin*, it is not considered a *Tefillin* pouch, and as such, it may be used for other things as well. Only if the owner decides permanently to use a particular pouch exclusively for *Tefillin* is it deemed a "*Tefillin* pouch."

However, if an individual prepared a pouch to be permanently used as a *Tefillin* pouch, but had not in fact started using the pouch for that purpose, *halacha* permits other usages of that pouch, until it is actually used as a *Tefillin* pouch.



חוכמת החכמים | 💡

אל תסתכל בקנקן,
אלא במה שיש בו. (אבות ד:כ).

הסבר: אי-אפשר לקבוע ערכו האמיתי של דבר
לפי מראה החיצוני שלו

מלון	אל תסתכל –	Do not look –
לְקבוע	לְקבוע –	Comfort mourners –
ערכו האמיתי	ערכו האמיתי –	True value –
לפי	לפי –	According to –
מראה	מראה –	Appearance –
חיצוני	חיצוני –	External –
אי-אפשר	אי-אפשר –	Not possible –
בו	בו –	Inside it –
אָלָא	אָלָא –	Rather –
קנקן	קנקן –	Pitcher –



Dvar Torah for the Shabbat Table

The Torah repeatedly cautions us to treat those who work for us with honor and to pay their wages on time and without delay. "You must not withhold the wages of a poor or destitute worker, either of your brother or of a stranger in your land, within your cities. You will provide his salary to him on the day he works and not let the sun set before you do so. For he is poor, and he risks his life to earn his wage and he should not need to cry out to God because of you, causing you to be guilty of a sin." (Devarim 24:14-15).

Why does the Torah so strongly insist and specifically warn about this commandment of paying salaried workers on time? The Ramban explains that if an indigent worker does not receive his salary on the same day, he will not have the money he needs to buy food for his family. As a result, they will have nothing to eat at night, and they are liable to die of starvation. Therefore, the Torah warns employers to pay workers their wages on time because these are actually *dinei nefashot* (capital laws) and a case of *pikuach nefesh* (saving of lives) for the poor person and his family.



QUESTIONS OF THE WEEK

All answers can be found in this Daf Yomi booklet

1. How do we know that the *mitzvah* of *Talmud Torah* is greater than that of offering the *Korban Tamid*?
2. What is the reason for the *mitzvah* of *Vidui*?

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