

Daf 21: כְּתוּבַת מַעֲקֶע – Imprinting A Tattoo



The Mishnah on this *daf* teaches about the prohibition of imprinting tattoos on our bodies. In *Sefer VaYikra* it says: “And you shall not imprint a tattoo on yourself, I am HaShem.”

How is a tattoo imprinted? Skin is cut and dye is inserted. After the cut heals, the skin retains the color of the dye.

In *Hilchot Avodat Kochavim* (laws about idol worship), Rambam writes that idol worshipers were accustomed to tattooing pagan images on themselves as a visibly noticeable means of associating with the worship of that deity. A person who intentionally imprinted a tattoo on his skin was punished with *malkot* (lashes).

Is there a case in which a person might get a tattoo and would not be liable to receive *malkot*? Yes, an individual would not be liable to receive *malkot* in a case where another person imprints the tattoo and the individual receiving the tattoo does not help at all. In such a case, the person who created the tattoo receives the *malkot*, while the individual whose skin was tattooed is not lashed.

Daf 22: אַרְבָּעִים אִו שְׁלוּשִׁים וְתִשְׁעִי? – Forty or Thirty-Nine?

The Torah mandates punishing a person sentenced to flogging with 40 lashes, as it says in *Sefer Devarim*: “Strike him with forty.” Despite the teaching of the *pasuk*, the *Mishnah* on this *daf* asks and posits: “How many lashes does he receive? Forty, less one.” In other words, forty minus one or thirty-nine. Why? According to The *Mishnah*’s explanation, earlier in the *pasuk* it says: “and the *shofet* (judge) shall have him lean over and flog him (the offender) in front of him, commensurate with his crime, in number.” According to *Chazal*, the Torah connected the words “in number” and “forty” in the immediately preceding *pasuk* to teach us that one should administer a number of lashes – up to, but not including, the number forty.



FROM THE TALMUD
SEDER NEZIKIN
MASECHET MAKKOT
daf 24

מן התלמוד:

סדר נזיקין, מסכת מכות, דף כ"ד:

יבא מיכה והעמידן על שלוש, דכתיב: יהגיד לך אדם מה טוב ומה ה' דורש ממך, כי אם עשות משפט ואהבת חסד והצנע לכת עם אלקיך. עשות משפט — זה הדין. אהבת חסד — זה גמילות חסדים. הצנע לכת — זה הוצאת המת והכנסת כלה.

Translation

הצנע *Hatzneh* ... Humbly, modestly
לכת *Lechet* Walk

Explanation

The *navi* (prophet) *Micha* stated that the three most important principles of Judaism are: doing justice, loving kindness, and carrying yourself modestly.

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Daf 23: רוח הקודש בבית דין – Heavenly Spirit in the Court

The Talmud tells us about *Batei Din* (rabbinic courts) in which *Ruach HaKadosh* (Heavenly Spirit) appeared and declared the ruling of the *dayan* (judge) to be correct.

When *B'nai Yisrael* asked the *navi* (prophet) Shmuel to appoint a king over them, Shmuel gathered the entire nation and stated – You are all witness to the fact that I did not take money from a single person or a bribe of any kind, as the *pasuk* (verse) describes in Shmuel Aleph, ch.12: v.5. And what did *B'nai Yisrael* respond? “We are witness.” *B'nai Yisrael*’s answer was written in the singular – *vaYomer*, instead of the plural “*vaYo’mu*” – because they did not respond, rather, it was *Ruach HaKadosh* that appeared in Shmuel’s *Beit Din* and testified that its ruling was correct, that he had never taken any money from any one.



Another such case took place in the *Beit Din* of King *Shlomo*, when two women appeared before him with one baby; each woman claiming the baby belonged to her. With his wisdom, King *Shlomo* was able to discern which woman was the real mother – after which, a *Bat Kol* (heavenly voice) rang out to confirm the truth of his words, i.e. “She is the (true) mother.”

Daf 24: צחוקו של רבי עקיבא – Rabbi Akiva's Laugh

On the final *daf* of *Masechet Makkot*, an incident is retold that occurred after *Churbahn Bayit Sheini* (destruction of the Second Temple). One day, *Tannaim Rabban Gamliel*, *Rabbi Elazar Ben Azariya*, *Rabbi Yehoshua* and *Rabbi Akiva* were walking together, when they heard the voices of Romans rising up, regular everyday sounds of peaceful and content living. The other *Tannaim* cried, while *Rabbi Akiva* laughed. The others asked *Rabbi Akiva* in astonishment: “Why are you laughing?” He asked them: “Why are you crying?” The *Tannaim* responded: “Those are idol worshippers, sitting in safety and quiet, while our Temple has been burned in fire and we should not cry?”

Akiva said to them: Indeed, because they are living quietly and in peace, I am happy. *Akiva* explained, if God rewards even evil people like these for the good deeds they have done, one could only imagine the tremendous reward those who fulfill the will of the Creator are destined to receive.

B'Sha'ah Tova –
We complete learning
Masechet Makkot!

Please
join us in learning
Masechet Shevuot

חדון עלך

Masechet Makkot,
we have learned from you,
and we will return
to learn from you again.
At a good time, we begin
Masechet Shevuot.



★ | Israeli History

ISRAEL@ שנה למדינת ישראל

70

תשכ"ה/1965
ELI COHEN CAUGHT AND HANGED IN DAMASCUS



Eli Cohen (1924-1965) was born in Egypt and immigrated to Israel in 1957. He was an Israeli intelligence agent who operated in Syria. Eli Cohen is considered one of Israel's greatest spies. While still in Egypt, Cohen began developing contacts with the Israeli *Mossad*. In 1960, he was trained as a spy and assumed a fictitious identity as a Syrian merchant named *Kamel Amin Thaabet*. Two years later, he moved to Damascus and established connections with senior military and government officials, thereby obtaining important intelligence information that he transferred to Israel until he was caught and executed in 1965. *Levi Eshkol*, who was prime minister during the Six-Day War, said that *Eli Cohen*’s actions saved many Israeli lives and contributed to the great victory in the war.



Eli Cohen, z"l
Photo source: Wikipedia



מַסַּכַּת שְׁבוּעוֹת
פָּרָק א' - שְׁבוּעוֹת שְׁתֵּים שֶׁהֵן אַרְבַּע
TRACTATE SHEVUOT: Ch. 1 — (Regarding) OATHS
(there are) TWO that are really FOUR

Daf 2: סֵדֶר הַמִּסְכּוֹת – Order of The Tractates

Masechet Shevuot deals with the various types of *shevuot* (oaths) that exist; how one takes on an oath; what is the judgment against one who vows a false oath; and what punishment is assigned to a person who makes and breaks an oath.

A question is posed in the Talmud asking why *Masechet Shevuot* is located after *Masechet Makkot*? The Talmud responds that it is because the following *halacha* is taught at the end of *Makkot*:

In *Sefer VaYikra*, the Torah commands: “You shall not round off the *corner* of your head, and you shall not destroy the *edge* of your beard.” It is prohibited to shave the site of the sideburns or one’s beard with a blade. It should be noted that the language of the Torah is written in the singular — the “corner of your head” and the “edge of your beard.” Yet a person who violates this prohibition and shaves the corners of his face (i.e., sideburns), violates two *issurim* (one prohibition for each side of his face) and one who shaves his beard with a blade violates five *issurim*, i.e., two for the upper cheeks, two for lower cheeks and a for the chin.

The editor of the *Mishnah*, Rabbi Yehudah HaNasi placed *Masechet Shevuot* immediately following *Masechet Makkot*, because *Masechet Shevuot* also begins with a discussion regarding the Torah's listing of two types of *shevuot* alone, when in fact, four types of *shevuot* exist.



Daf 3: סידור המשניות – Style of the Order of Mishnayot

One who opens the first page of *Masechet Shevuot* would expect the first *Mishnah* to deal with *shevuot* (oaths). But to our great surprise, we find that the first two chapters of *Masechet Shevuot* contain *mishnayot* dealing with a variety of completely different matters. The first *mishnah* briefly mentions *shevuot*, after which it enumerates a long list of *mitzvot* and *dinim* that have absolutely nothing to do with *shevuot*. The *Mishnah* points out that the Torah cites just two types of *shevuot* — i.e., an individual who makes a *shevuah* to do something and an individual who makes a *shevuah* to refrain from doing something. But there are, in fact, an additional two types of oaths: that one already did something, or that one did not do something. Then, the *Mishnah* indicates that in the case of *tum'ah* (ritual uncleanness) and in the case of *Shabbat*, there are some laws written explicitly in the Torah and others rulings that are not written. The *perek* goes on to discuss *dinei* (laws of) *tum'ah* and the various *korbanot* that had been offered to repent for these transgressions.

Rabbi Yehudah HaNasi incorporated into the *mishnayot* groups of *halachot* that are similar to each other in format, even though they differ topically from the primary focus of the *masechet*.

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OPERATION “Good Neighbor”

Prime Minister David Ben-Gurion (1886-1973) spoke and wrote about his vision for the Jewish state – to be a moral and social country, a “Light Unto the Nations” (Isaiah).

Since 2011, Syrians have been fighting a brutal civil war. Syria is located on Israel's northwest border, and as such, Israel has been witnessing the terrible things happening to its neighbor. To complicate the situation, Israel and Syria have been officially at war for decades.

Israel and the Israel Defense Forces (IDF) could not stand back and ignore the conditions across the border, specifically the suffering of civilians. It was decided that some type of humanitarian assistance was urgent. In the first phase, Israel treated over 3,000 injured Syrians in hospitals across northern Israel. In 2016, the IDF launched “Operation Good Neighbor” — a massive humanitarian relief program. Since then, hundreds of Syrian children have been treated in Israel, hundreds of tons of food has been sent across the border to Syria — food that clearly has Hebrew labeling! Additionally, clinics are being built in Israel and Syria to help the injured.

**Thank you, Israel, the IDF,
and all others involved in this
incredible effort!**



IDF doctor treats Syrian infant.
Photo source: IDF Blog

Daf 4: שְׁבוּעַת בִּיטוּי – Oath of An Utterance

There are four main types of oaths:

- 1) *Shevuat Bee'tu'i* (oath of an utterance);
- 2) *Shevuat Shav* (oath made in vain);
- 3) *Shevuat HaEidut* (oath of testimony); and
- 4) *Shevuat HaPikadon* (oath of a pledge).



In this section the focus is on what constitutes a “*Shevuat Bee'tu'i*,” which is a perjury. *Shevuat Bee'tu'i* is a *shevuah* (oath) that a person makes to himself (e.g., I vow that I will travel to Jerusalem today or I vow that I will not travel to Jerusalem today). If an individual breaks this *shevuah* intentionally, that person is liable for *malkot* (lashes). If an individual breaks such an *shevuah* accidentally, that person is obligated to offer a *korban oleh v'yored* — a sliding scale offering, based on the person's financial status (e.g., The rich are obligated to offer female sheep or goat; ‘the Middle Class’, obligated to offer two birds; and the poor are obligated bring a simple flour offering.)

Why does the Talmud call this oath a “*Shevuat Bitu'i*”? The *pasuk* in *Sefer VaYikra* that deals with this *shevuah* states: “Or if a person swears, to express with [his] lips.”



QUESTIONS OF THE WEEK

All answers can be found in this Daf Yomi booklet

1. What is a “*Shevuat Bee'tui*”?
2. Why did Rabbi Akiva laugh, while everyone else was crying?
3. What is Rambam's explanation for the Torah prohibition against imprinting tattoos on one's body?

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Dvar Torah for the Shabbat Table

”וַתִּגְשֵׁן הַשִּׁפְחוֹת
הַנָּה וַיִּלְדִּיהֶן וַתִּשְׁתַּחֲוּן.
וַתִּגְשֵׁן גַּם לֵאָה וַיִּלְדִּיהָ וַיִּשְׁתַּחֲוּ
וְאַחֵר נָגַשׁ יוֹסֵף וַרְחֵל וַיִּשְׁתַּחֲוּ.”

When Ya'akov's family approached Esav to bow down to him, it is said: “**And the maidservants and their children came close and bowed down. Also, Leah and her children drew near and bowed down themselves, and after that, Yosef and Rachel drew near and bowed down.**”

Chazal asked, why in the case of the maidservants and Leah, the mothers are listed first followed by their respective children, whereas with *Rachel*, Yosef is mentioned, and *Rachel*'s name is only mentioned afterward? Rashi answers: “In the other cases, the mothers approached before the children. However, in the case of *Rachel*, Yosef approached before her. [Yosef] said — my mother is beautiful, if that scoundrel tries to set his eyes on her, I will stand in front of her and stop him from looking at her. Yosef did not want Esav to look at his mother, so he stood before her to hide her from his eyes. In recognition of this act, Yosef received the following blessing of “*Alei Ein*” against the evil eye from his father Ya'akov: “**A charming son is Yosef, a son charming to the eye...**” [Genesis 49].

”בֶּן פֶּרֶת יוֹסֵף
”בֶּן פֶּרֶת עָלֵי עֵין”

