

Seder Nezikin | Sanhedrin 70-76 | Yom Kippur | 4-10 Tishrei (24-30 September)



FROM THE TALMUD
SEDER NEZIKIN
MASECHET SANHEDRIN
daf 70

מן התלמוד:

סדר נזיקין, מסכת סנהדרין, דף ע':

”ויהל נח איש האדמה ויטע כרם —
אמר רב חסדא אמר רב עוקבא, ואמרי
לה מר עוקבא אמר רבי זכאי: אמר לו
הקב"ה לנח: נת, לא היה לך ללמוד
מאדם הראשון, שלא גרם לו אלא יין?”

Translation

... VaYi'tah kerem ... **And he planted a vineyard**
... Garam **Caused**

Explanation

The first thing Noah did after the flood was to work the land and plant a vineyard. The *Chachamim* said that God chastised Noah, telling him he should have learned from Adam, the first man, that wine is dangerous and is likely to lead man astray. This is because, according to the *Chachamim*, the tree that Adam ate from was a grapevine.

ISRAEL @ 70

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Daf 70: הלכות יין – Laws Regarding Wine



On this *daf* we learn several *halachot* pertaining to the consumption of wine. The first *halacha* deals with a *ben sorer u'moreh* (rebellious son) who was accustomed to drinking wine. Another *halacha* addresses the *dinim* (laws) of *Tisha B'Av*: A final *seudah* (meal), or “*seudah mafseket*” (last meal before the fast) is eaten on the afternoon of *Erev Tisha B'Av*, immediately before the fast. *During the seudah mafseket*, one

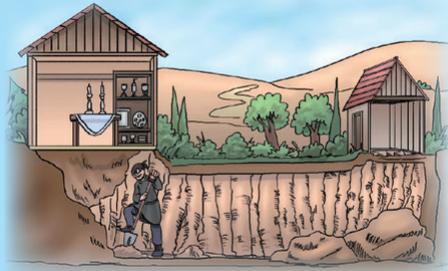
may not drink wine nor eat meat. In addition, one is forbidden to eat two cooked dishes during the pre-fast meal — e.g., one may not eat cooked fish and cooked potatoes. This practice is part of the mourning over the destruction of the *Beit HaMikdash*. In modern times, there is a custom to refrain from drinking wine and eating meat starting on *Rosh Chodesh Av*. Each person should act according to the *minhag hamakom* (local custom). The *Chachamim* said: “All who mourn over Jerusalem are guaranteed to eventually rejoice in the future rebuilding of the city.”

Daf 71: עיר הנדחת — An Idolatrous City

An *Ir Hanidachat* is a Jewish city whose residents have begun to practice idol worship. The “*shalal*” (property) in the *Ir HaNidachat*, is to be gathered in the city's main square and burned. As it states in the Torah: “And you shall gather all the contents of the city into the midst of the city's open space and burn it with fire.” However, there is a problem: What is to be done with the *mezuzot* at the entrances of the homes? It is undoubtedly prohibited to burn *mezuzot*.

In the Talmud we learn a *chiddush* (new, novel interpretation): Rabbi Eliezer says that if there is one *mezuzah* in the entire city, then the laws of *Ir HaNidachat* may not be applied — since one may not burn any *kitvei kodesh* (holy writings). If that is the case, why did the Torah command burning down of the *Ir HaNidachat*, if one could never fulfill these words? Rabbi Elazar claimed that these words were written in the Torah so that one might be rewarded for learning Torah. However, there are some *Tannaim* who disagree. They argue that while it is true that we do not burn *mezuzot*, we do burn the rest of the property. In this view, the existence of *mezuzot* would not prevent treating a city as an *Ir HaNidachat*.

**Daf 72: "בַּא בְּמַחְתֶּרֶת" –
"A Burglar Who Enters Through A Tunnel"**



We have already learned about the established principle of "*Haba l'harogcha, hash'kem l'hargo*" ("If someone comes in to kill you, swiftly kill him first"). This principle is derived from the Torah's legislation concerning the case of a "*Ba bemachteret*." *Ba bemachteret* refers to a thief who digs a tunnel in order to enter a house and

rob it. The Torah permits the *Ba'al haBayit* (homeowner) to kill such a thief. If the homeowner attempts to detain the intruder, the thief would be prepared to kill the homeowner. The possibility of this scenario is sufficient foundation to establish the thief's intention to kill the *Ba'al HaBayit*. Therefore, the Torah instructs the *Ba'al HaBayit*: "*Haba l'harogcha, hash'kem l'hargo*" — i.e., It is permissible for one to act first, and kill the thief. However, if it is clear to the *Ba'al HaBayit* that the thief would never kill him it is forbidden for the *Ba'al HaBayit* to kill the thief. For example, a son who sees his father breaking into his house to steal should not kill his father, as there is no doubt that the father has no intention to kill his son. This is so, because the love of a father for his son is greater than all else.

Daf 73: "לֹא תִעַמְדוּ עַל דַּם רֵעֵךְ" – "Do Not Stand Idly By"

The Torah cautions every Jew: "*Lo ta'amod ahl dahm reyacha*" ("Do not stand idly by the blood of your fellow.") What is the *kavana* (intended **meaning**) of this verse? For example, if a person suddenly sees his friend who appears to be in danger — e.g., being assaulted by a group of robbers or getting attacked by a wild beast, or if he sees a person in danger of drowning — it is prohibited to simply stand motionless as (Heaven forbid) the blood of his fellow will likely be spilled. Therefore, it is a person's responsibility to hurry and extend help. Rambam says this *chiyyuv* (obligation) includes situations other than mortal danger. Even if a danger is merely to the property of a fellow Jew, one is obligated to act and not remain passive. If one sees a fire in a home, one must try to extinguish that fire, or call the Fire Department. If one sees a friend's book lying next to an open window shortly before a rainstorm, one must close the window to prevent the book from being damaged, and so forth. The Torah continues: "*Lo ta'amod ahl dahm reyacha*," adding "*Ani HaShem*" (I am God) — God who promises reward to one who saves his fellow and who punishes anyone who stands on the side and does not try to help.



★ | Israeli History

ISRAEL@ שנה למדינת ישראל

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תשי"ב/1952
DAVID BEN-GURION



תשי"ב/1952

David Ben-Gurion (1886-1973) was born in Poland and immigrated to Israel at age 20, as part of the Second Aliyah. He was active in the *Poalei Zion* party, which later merged with other parties and became *Mapai*. Ben-Gurion headed the *Mapai* party, and in the 1920s, he became one of the most prominent leaders of the *Yishuv* (the Jewish community) in *Eretz Yisrael*. In 1935, Ben-Gurion was elected Chairman of the Jewish Agency. In that role, he guided the *Yishuv*

in its fight both for military and diplomatic independence. On May 14, 1948 (5 Iyar), when many said that Israel should hold off on declaring independence, he insisted on forging ahead. On that day, Ben-Gurion read the Declaration of Independence at the ceremony marking the establishment of the State of Israel. Ben-Gurion was instrumental in preparing the armed forces to fight for independence and helped establish the Israel Defense Forces (IDF). After the establishment of the State of Israel, Ben-Gurion served as Israel's first Prime Minister and Minister of Defense for a number of terms. Upon retirement, Ben-Gurion moved to Kibbutz Sde Boker, in the Negev in southern Israel.



David Ben Gurion.
(Wikipedia/Fine)



**Daf 74: יְהָרֵג וְאֵל יַעֲבֹד –
Be Killed and Under No Circumstances Transgress**

Despite the fact that *Pikuach Nefesh* (preserving a life) outweighs every *mitzvah* in the entire Torah — i.e., for the purpose of saving lives, it is permissible to order an ambulance on *Shabbat*, or to permit someone in ill health to eat on *Yom Kippur*, and the like. Nevertheless, there are three severe *aveirot* (transgressions) regarding which it is said: “*Yehareg ve’ahl ya’avor*” (“submit to being killed and under no circumstances transgress”). [These three *aveirot* are: Murder, Idol Worship and, Forbidden Relations.] Even if someone says to a Jew — “Do one of these *aveirot*, and if you don’t I will kill you” — it is prohibited to agree to doing any of these three *aveirot*. This is generally the law, however, in a “*sha’at ha’sh’mad*” (a time of persecution) the law is more expansive. If a non-Jew instructs a Jew to do an *aveira*, it is because the enemy of Judaism want to rip the Torah away from Jewry. During a *sha’at ha’sh’mad*, if instructed to transgress any *aveira*, a Jew should refuse, even if s/he is killed as a result.

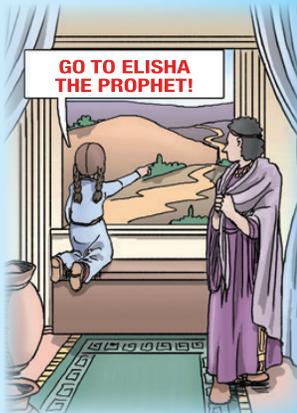
A Jew who fulfills this halacha and gives his/her life, fulfills the greatest *mitzvah* of “*Kiddush HaShem*,” whose reward is great. Over the generations, many of our ancestors and the members of their households performed this *mitzvah* and did not flinch from giving their lives for *Kiddush HaShem* in order not to forsake Judaism. These people are considered “*Kedoshim*” (holy martyrs).



**Daf 75: צְרַעַת נְעֻמַן שֶׁר הִצִּיבָא –
The Leper Na'aman, Army Commander**

During the time of Elisha the prophet, Na’aman, commander of the Aramean army contracted *tzara’at* (leprosy). Na’aman’s wife had a young female servant from *Eretz Yisrael*. The young girl said to her, “I know there is a cure for *tzara’at*. Tell your husband to send a request to the prophet Elisha and he will heal your husband’s leprosy.” Na’aman’s wife gave the message to her husband, who in turn, relayed the message to the King of Aram. The King of Aram sent Na’aman to the King of Israel with a letter demanding that the prophet heal Na’aman. Elisha instructed Na’aman to immerse himself in the Jordan River seven times and after so doing his leprosy was healed. From that point on, Na’aman took it upon himself to stop worshipping idols. However, he told Elisha that when he accompanies his master to the house of worship, he would have no choice but to bow to the idol as well. Not doing so would anger the king and would be very detrimental to Na’aman. Then, Elisha and Na’aman bid each other farewell.

The Talmud shares this incident, in order to teach that a non-Jew is not commanded to sacrifice himself for *Kiddush HaShem* (sanctifying God’s name), as Elisha did not tell Na’aman to avoid bowing.



This Week in Jewish History

Sandy Koufax & Yom Kippur

On the 10th of Tishrei in 1965, Los Angeles Dodgers pitcher Sandy Koufax refused to pitch the first game of the World Series because of Yom Kippur. Instead, Koufax went to Yom Kippur services and fasted, like Jewish people around the world.

The World Series went to the seventh and final game, and Koufax made an amazing throw and the Dodger’s won The World Series! Koufax won the Most Valuable Player award.

Sandy Koufax is considered one of the greatest pitchers of all time. Although he had so many achievements on the field, deciding to sit out the World Series Game on Yom Kippur is one of the things for which he is most remembered. Koufax’s Jewish identity and choices has instilled Jewish pride in millions of Americans.

In 2001 Dodger’s player Shawn Green ended his 416 consecutive games in order to observe Yom Kippur. He said that his motivation to do so was based on Sandy Koufax’s historic decision.



SANDY KOUFAX
PITCHER L.A. DODGERS



📌 Daf 76: דינו של רוצח – The Sentence Given To A Murderer

A murderer is sentenced to *Mitat Beit Din* (execution). However, it is not only one who intentionally kills his fellow who is liable for capital punishment. The death penalty also is handed down in the case in which a person drowns solely because a cruel individual prevented the drowning person from lifting his head out of the water in time. Despite the fact that the cruel individual did not put the drowning person into the water, he is responsible for preventing that person from getting out in time — and therefore is also sentenced to death.

If someone strikes his fellow, killing him, the *Beit Din* needs to examine the murder weapon. For if that implement is one that is unlikely to cause death, it is possible that the death was can be attributed to something other than the strike of the weapon. If, for example, an individual hits his fellow with a very small stone — we exempt the murderer from capital punishment.



חוכמת החכמים | 💡

אֲגָרָא דְתַעֲנִיתָא צְדֻקְתָּא (ברכות ו,ב)

הַסֵּבֵר: בְּתַעֲנִית צִיבּוּר אֲנַחְנוּ צָמִים וּמִתְפַּלְלִים וּמִתְוֹדִים
עַל חֲטָאֵינוּ. אֲבָל עֵיקַר קְבֻלַּת שְׂכָר בַּיּוֹם הַהוּא אֵינוֹ בְּזָכוֹת
דְּבָרִים אֱלוֹ, אֲלָא בְּזָכוֹת הַצְּדָקָה שְׁנוֹתָנִים לְעֵנִים.

מִלּוֹן 

We confess - מִתְוֹדִים

Reward - אֲגָרָא

Essence, principle - עֵיקַר

Fasting - תַּעֲנִיתָא

Receiving reward - קְבֻלַּת שְׂכָר

Tzedakah - צְדֻקְתָּא

Thanks to - בְּזָכוֹת

Public fast - תַּעֲנִית צִיבּוּר

We give to needy (v.) - שְׁנוֹתָנִים לְעֵנִים

We fast (v.) - צָמִים

📖 | Dvar Torah for the Shabbat Table

On the night of *Yom Kippur*, even before reciting *Kol Nidre*, we begin the service by inviting the transgressors to join the congregation in prayer. Why is this necessary? In medieval times, if someone flouted Jewish communal norms they were excommunicated and were banned from entering the synagogue. Alternatively, those who are not especially pious in their personal lives might feel uncomfortable in the synagogue even if nobody ever told them they were not welcome. But on *Yom Kippur* it is essential for all the Jews of the community to gather together as one when petitioning God for atonement. Tradition teaches that the communal prayer on the great fast day is deficient if it lacks the voices of those on the margins of Jewish society. We have a responsibility to ensure that Jews on the periphery, whether by dint of their imperfect behavior or otherwise, are included on the *Yamim Noraim*.



🔍 QUESTIONS OF THE WEEK

All answers can be found in this Daf Yomi booklet

1. Who is considered a “*ba bemachteret*” and what is his legal fate?
2. What must one do to fulfill the mitzvah of “*Lo ta’amod ahl dahm reyacha?*”
3. What is the definition of “*sha’at ha’sh’mad?*”

Please email answers to questions to answers@talmudisraeli.co.il for a chance to win an iPad mini!