

שבת קודש פרשת דברים | מסכת כתובות דף מ"ה

INSIGHTS FROM OUR CHABUROS

Where is סקילה Performed

נערה המאורסה שזינתה ומשבגרה הוציא עליה שם רע הוא אינו לוקה ואינו נותן מאה סלע. היא וזוממיה מקדימין לבית הסקילה.

The Gemara is in the middle of a discussion whether the death penalty assessed to an adulterous girl would change if her sin took place when she was a נערה, but the implementation of the sentence was to be only after she became a בוגרת. A Baraisa is cited wherein we find the penalty of stoning mentioned in reference to a בוגרת, seemingly proving that although she has now advanced and has become a בוגרת, we still apply the punishment appropriate to the moment of the adulterous act, when she was a נערה. Interestingly enough, the Baraisa states that she shall be taken to the בית הסקילה, the stoning grounds, to be executed. The verse in the Torah (Devarim 22:21), however, clearly describes that when we can prove that a girl is guilty of adultery during this engagement period (אירוסין), the punishment of stoning is to be meted out "at the door of her father's house." Our Gemara even emphasizes that this is most appropriate, as we proclaim to the father, "See the offspring you have raised." Why does the Baraisa say that we execute her at the בית הסקילה? We could say that although the Baraisa says that the execution will be at the "בית הסקילה," it does not technically mean that in this case she is to be put to death at that location, but simply that she is deserving of capital punishment, and in this case it will be at her father's door. However, Rambam (Hilchos Isurei Bi'ah 3:10) writes that in reference to this case specifically, Beis Din shall put her to death at the "בית הסקילה." Magid Mishnah identifies our Baraisa as the source of this halacha in Rambam. He explains that although we do not change the form of death penalty which is applied when the girl who has now matured from being a נערה to becoming a בוגרת, the implementation of the punishment is adjusted to be at the בית הסקילה rather than at her father's door. We therefore give her סקילה, as she would have received as a נערה, but it is carried out at a location which is appropriate to her current situation as a בוגרת, at the בית הסקילה.

PARSHA CONNECTION

In this week's daf we find the concept of "look at what you brought up," when a נערה מאורסה is caught having relations with another man, she is punished at the entrance to her parent's house, and the message is ראו גידולים שגידלתם. We find very similar language in this week's הפטרה where the נביא ישעיהו says: "בנים גדלתי ורוממתי והם פשעו בי" the רבש"ע says the children that I raised and elevated and they rebelled in me. The assumption is that people who are brought up well will behave differently because of their upbringing. The נביא ישעיהו admonishes כלל ישראל for doing עבירות and forgetting the הקב"ה, and continues (ישעיהו 1:10) with the following: "מכף רגל ועד ראש אין בו מתם פצע וחבורה ומכה טריה" (פרק א פסוק ו) What does this פסוק mean? If the נביא is referring to כלל ישראל as being full of עבירות, what do the words ולא חבשו ולא רככו בשמן mean in this context? The אשליך הקדוש and רד"ק explain that this פסוק is actually referring to the punishment and suffering of כלל ישראל. The context here is that כלל ישראל failed to pay attention to the punishment by realizing that it was a message from the הקב"ה. Even though they were full of wounds from head to toe, they attributed it to nature and a wound that wasn't tended to properly. Hence the words ולא חבשו ולא רככו. Although it was totally unusual for them to receive so many punishments they tried to rationalize it as טבע. We must always understand that everything that happens to us is from בית המקדש, and this will hopefully help bring us back the הקב"ה!

STORIES OF THE DAF

Knowing a Masechta

"ובעיר שרובה עכו"ם..."

Once, the Satmar Rav, zt"l, paid a visit to Telshe Yeshiva where he was given the honor of delivering a shiur in the yeshiva, which was duly honored by having such a great personage visit. At the time, the bochurim in high school were immersed in Kesuvos, which is known to be a difficult tractate and which is referred to in earlier sources as Shas katan because of the numerous sugyos concentrated in its pages. After the shiur, Rav Mordechai Katz, zt"l, presented a young student to the Satmar Rav with the introduction that the bochur knew the entire tractate well with Tosafos and the commentaries. The Satmar Rav asked the boy, "Where do we find that a city which was surrounded by a wall in Eretz Yisroel and consequently was considered an חומה can lose its halachic status?" After a few moments, the bochur responded, "Tosafos on daf 45b (ד"ה על פתח בית דין) writes in the name of one of the baalei Tosafos that if majority of the city comprises non-Jews, its halachic sanctity is nullified." The Rav asked, "Do you know a source for this outside opinion?" The bochur did not. Rav Boruch Sorotzkin, zt"l, interjected, "Even the Minchas Chinuch (171) could not find a source for this opinion, so how can one expect a sixteen-year-old to have a source?" The Satmar Rav didn't answer.

As the Rav took his leave, Rav Elya Meir Bloch, zt"l, and Rav Mordechai Katz, escorted him out. As the three were walking, Rav Katz asked the Satmar Rav, "What was the source, then?" The Rav responded, "The Yerushalmi in the beginning of Masech es Megillah, 1:1." He then added, "See the Beir HaGra in Shulchan Aruch Orach Chaim 788:1

When the two gedolim later checked inside, they found that the Vilna Gaon did indeed learn the Yerushalmi just like the pshat cited in the Tosafos.

HALACHA HIGHLIGHT

Entering non-Jewish houses of Worship

העובד עבודת כוכבים

One who worships idolatry

The Tzitz Eliezer¹ wrote that included in the prohibition against entering an idolatrous house of worship is entering any church or mosque. He cites as proof to this ruling the opinion of the Ran². Ran writes that even though Yishmaelim do not worship their prophet as a deity, nonetheless, since they bow before him as part of their ceremonial worship it is considered idolatry. Additionally, their bowing cannot be considered an expression of honor to the prophet since honor is not accorded to the deceased. Therefore, concludes Tzitz Eliezer, all the restrictions against entering a house of worship of idolatry apply to a mosque and certainly to a church.

The Avnei Yashfei³ disagrees with this ruling and permits entering into mosques. His reasoning is based on a ruling of Teshuvos Chut Hameshulash, cited in Darkei Teshuvah⁴. Teshuvos Chut Hameshulash permitted Jews to construct a mosque because the worship of Yishmaelim is not the same as it once was. In the past the structure was an integral part of the way that they worshipped their god. In contrast, nowadays, the structure is merely the place where they gather to be able to serve, but the structure no longer plays a role in the actual worship. Therefore, concludes Avnei Yashfei since building a house of worship is treated more strictly than entering the structure, if it is permitted to build a mosque it must certainly be permitted to enter the mosque. Avnei Yashfei also writes that Rav Yosef Shalom Elyashiv agrees with this conclusion.

In a related matter the Teshuvos V'Hanhagos⁵ addresses the question of whether, for example, a woman is permitted to give birth in a Christian hospital. After analyzing a number of related issues, he concludes that if the Christian hospital is less expensive than the other hospitals one should not protest someone who chooses to deliver there. Ideally, however, women should see themselves as prominent (חשובות) and refrain from going there.

1. שו"ת ציץ אליעזר ח"ד סי' צ"א
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4. דרכי תשובה י"ד סי' קמ"ג סק"ח
5. שו"ת תשובות והנהגות ח"ב סי' תנ"ג

MUSSAR FROM THE DAF

Red Lines

אמר ליה רבי חנניא לרבי אילעא: אי הכי מילקא נמי לילקי, ומאה סלע נמי לישלם

The Gemara discusses the מוציא שם רע (lashes). We are told that he receives מלקות (lashes). Why is this the only time that a מוציא שם רע receives מלקות? There is a fascinating חזקוני (Devarim 22, 18) who explains the reason for the מלקות. He writes that the husband is given על מנת מרדות על שבער על מצות עשה ואהבת לרעך כמוך. What is he referring to? Where do we see the concept of מלקות connected to the mitzvah of loving another? Why specifically do we see it here?

Let's first take a look at the Chazal concerning the root cause for the destruction of the Bais Hamikdash and our Galus. The Gemara in Yoma 9b teaches us that it was because of Sinas Chinam. However, the Gemara in Gitten 55b details an example of how this happened. The Gemara tells us how a party host would not allow Bar Kamtazah to stay at his party even when Bar Kamtazah was willing to pay for the whole party so that he wouldn't be embarrassed for being kicked out. What kind of a lesson is that for us, a story that sounds pretty extreme? Why do we relearn this Gemara every year during the 9 days/Tisha Bav? Perhaps Chazal understood that we are not perfect. Chazal understood that there will be times we make honest mistakes Bain Adam L'chevero. However, where there is an extreme situation that crosses all boundaries, Hashem had to show us that the Shechina cannot tolerate such an intense level of Sinah (hatred). When we cross all red lines, there will be a consequence so that the barometer of what is normal isn't changed. Therefore we are warned to stay away from ever reaching those extreme situations. Perhaps this too is the reason for the מלקות of the מוציא שם רע since this too is an extreme case crossing all red lines.

This is an appropriate theme to think about during the 9 days. As we always take small steps, we know we cannot become angels overnight. Yet, if we see an area in our lives which we are ח"ו about to go past the "red lines" in the way to relate to others, we must use this time to rethink our actions.

POINT TO PONDER

The Gemara says that if עדים come while a woman is in her father-in-law's house and testify that she was מזונה in בית אביה she gets סקילה בפתח סקילה ראו גידולים שגידלתם. בית אביה. The Gemara then adds the following: כלומר ראו גידולים שגידלתם. Why did the Gemara add this reasoning? It is not in the פסוקים? We don't find the Gemara giving a reason for similar punishments?

Response to last week's Point to Ponder:

Why does רש"י need to explanation that the זרע of a convert's father is compared to a חמור? Why can't he simply say that she has no father because she is like a שונלד קטן שונלד.

רש"י יבמות דף צח ע"א ד"ה הא דאמור רבנן אין אב למצרי makes a distinction between a גר that was born a גוי and decided to convert and one who was conceived by a non Jew who converted while she was pregnant. In the second case, the child is considered her child because they were both Jewish at the time of birth. This is why רש"י did not use the explanation of our סקילה. Since the child was born Jewish it would not have that status. (See אילת השחר).

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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