דַּף יוֹמִי · עֲרָכִין · דַּף ז׳

Daf Yomi · The Full Daf · Elucidated Talmud · Navy & Gold Edition · with Rashi

📖 THE SUGYA

This daf continues exploring the halachic implications of a person who is being taken out to his execution, specifically regarding financial obligations and korbanos. The Gemara discusses whether claims against a person can be collected from his heirs after his death, delving into the machlokes whether an unwritten oral loan or a Torah-mandated liability carries a lien on a person's estate. We then analyze whether we delay an execution to allow a person's korban to be completed, establishing the important principle of avoiding afflictions or prolonged anxiety for the condemned.

We then learn a new Mishnah regarding a pregnant woman who is sentenced to death by the court. The Tanna clarifies the exact stage of labor at which the fetus is considered an independent entity rather than just a part of the mother's body, and the Gemara examines why we do not delay her execution for the sake of the husband's potential monetary rights in the fetus.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עמוד א׳ DAF 7A

QUESTION

מִכְּלָל דְּתַנָּא קַמָּא סָבַר: נִיתַּן לַחֲזָרַת עֲמִידַת בֵּית דִּין?!

Can we infer **from this**, from Rabbi Shimon ben Elazar's reason, **that the first Tanna holds** that a person who is already sentenced to death **can be returned for standing before the court again** if new financial obligations arise?! That cannot be, for we do not delay a person's execution once sentence is passed!

ANSWER

אָמַר רַב יוֹסֵף: בִּמְלָוָה עַל פֶּה גּוֹבֶה מִן הַיּוֹרְשִׁין קָמִיפַּלְגִי,

Rav Yosef said: They differ regarding whether **an oral loan can be collected from heirs** after the borrower's death.

EXPLANATION

תַּנָּא קַמָּא סָבַר: מִלְוָה עַל פֶּה גּוֹבֶה מִן הַיּוֹרְשִׁין,

The first Tanna holds that **an oral loan can be collected from heirs**, so the victim can collect the damage claim from the person's estate after he is executed.

EXPLANATION

וְרַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר סָבַר: אֵינוֹ גּוֹבֶה מִן הַיּוֹרְשִׁין.

And Rabbi Shimon ben Elazar holds that an unwritten, **oral loan cannot be collected from heirs**, and therefore once he is executed, the victim has no recourse against the heirs.

ANSWER

רַבָּה אָמַר: דְּכוּלֵּי עָלְמָא מִלְוָה עַל פֶּה אֵינוֹ גּוֹבֶה מִן הַיּוֹרְשִׁין,

Rabba said: Everyone agrees that an oral loan cannot be collected from heirs,

EXPLANATION

וְהָכָא בִּמִלְוָה הַכְּתוּבָה בַּתּוֹרָה כִּכְתוּבָה בִּשְׁטָר קָמִיפַּלְגִי,

and here, they differ regarding whether **a loan written in the Torah,** such as a Torah-mandated obligation to pay damages, **is like an obligation written in a contract** or document.

EXPLANATION

תַּנָּא קַמָּא סָבַר: כִּכְתוּבָה בִּשְׁטָר דָּמְיָא,

The first Tanna holds that a Torah-ordained liability **is considered like an obligation written in a contract**, creating a lien on the estate that can be collected from heirs.

EXPLANATION

וְרַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר סָבַר: לָאו כִּכְתוּבָה בִּשְׁטָר דָּמְיָא.

And Rabbi Shimon ben Elazar holds that it **is not considered like an obligation written in a contract**, so it cannot be collected from heirs.

OBJECTION

מֵיתִיבִי:

The Gemara **raises an objection** against Rabba's view that a Torah obligation cannot be collected from heirs according to Rabbi Shimon ben Elazar:

BRAISA

הַחוֹפֵר בּוֹר בִּרְשׁוּת הָרַבִּים, וְנָפַל עָלָיו שׁוֹר וַהֲרָגוֹ — פָּטוּר,

We learned in a Braisa: If **one digs a pit in a public domain, and an ox falls on him** into the pit **and kills him,** the owner of the ox **is exempt** from paying for the digger's death because the digger acted unlawfully by creating a public hazard.

BRAISA

וְלֹא עוֹד, אֶלָּא שֶׁאִם מֵת הַשּׁוֹר — יוֹרְשֵׁי בַּעַל הַבּוֹר חַיָּיבִין לְשַׁלֵּם דְּמֵי שׁוֹר לִבְעָלָיו!

And not only that, but if the ox died from falling into the pit, **the heirs of the owner of the pit are liable to pay the value of the ox to its owner!** We see clearly that a Torah obligation to pay damages is collected from heirs, which contradicts the opinion that a Torah-written obligation is not collected from heirs!

RESOLUTION

אָמַר רַבִּי אִילָא אָמַר רַב: כְּשֶׁעָמַד בַּדִּין,

Rabbi Ila said in the name of Rav: This Braisa is speaking of a case **where he stood trial** and was sentenced by the court for the damages before he died, turning it into a rendered judgment which binds the heirs.

OBJECTION

וְהָא "וַהֲרָגוֹ" קָתָנֵי!

The Gemara asks: **But doesn't it teach, "and** the ox **killed him"** immediately when it fell upon him? How could he have stood trial first?

RESOLUTION

אָמַר רַב אַדָּא בַּר אַהֲבָה: כְּשֶׁעָשָׂאוֹ טְרֵיפָה.

Rav Adda bar Ahava said: It means the fall **made him a treifah,** fatally injuring him so that he died later, allowing time for him to stand trial before his death.

OBJECTION

וְהָאָמַר רַב נַחְמָן, תָּנֵי חַגָּא: מֵת וּקְבָרוֹ!

The Gemara challenges: **But didn't Rav Nachman say that Chagga taught** a explicit version of this Braisa: The ox **died and buried him** right there at the bottom of the pit! If he was killed and buried instantaneously, how could he have stood trial?

RESOLUTION

וְהֵילְכְתָא דְּיָתְבִי דַּיָּינֵי אַפּוּמָּא דְּבֵירָא.

The Gemara answers: **And the case here is that judges sat at the mouth of the pit** immediately after the incident and tried him before he actually expired under the rubble.

BRAISA

תָּנוּ רַבָּנַן: הַיּוֹצֵא לֵיהָרֵג — מַזִּין עָלָיו מִדַּם חַטָּאתוֹ וּמִדַּם אֲשָׁמוֹ,

The Rabbis taught in a Braisa: **One who is being taken out to be executed, they sprinkle on** the altar **on his behalf from the blood of his sin-offering or from the blood of his guilt-offering** if he had already consecrated and slaughtered it.

BRAISA

חָטָא בְּאוֹתָהּ שָׁעָה — אֵין נִזְקָקִין לוֹ.

However, if **he sinned at that time,** while being led to execution, **we do not attend to him** to delay his execution so he can bring an offering.

QUESTION

מַאי טַעְמָא?

What is the reason for this distinction?

ANSWER

אָמַר רַב יוֹסֵף: מִפְּנֵי שֶׁאֵין מְעַנִּין אֶת דִּינוֹ.

Rav Yosef said: Because we do not afflict his judgment by delaying his execution and causing him prolonged anxiety once his sentence has been finalized.

OBJECTION

אֲמַר לֵיהּ אַבָּיֵי: אִי הָכִי, אַפִּילּוּ רֵישָׁא נָמֵי!

Abaye said to him: If so, even in the first clause where he had already brought his offering, we should **also** not delay his execution to sprinkle the blood on his behalf, to avoid afflicting him!

RESOLUTION

כְּגוֹן שֶׁהָיָה זִבְחוֹ זָבוּחַ בְּאוֹתָהּ שָׁעָה.

Rav Yosef answered: The first clause is speaking of a case **where his sacrifice was already slaughtered at that time,** so only the sprinkling remains, which takes no noticeable time and does not cause affliction.

QUESTION

אֲבָל אֵין זִבְחוֹ זָבוּחַ, מַאי? לָא?

Abaye asked further: **But** if **his sacrifice was not yet slaughtered, what** is the halacha? Is it true that we do **not** wait for him?

OBJECTION

אַדְּתָנֵי ״חָטָא בְּאוֹתָהּ שָׁעָה אֵין נִזְקָקִין לוֹ״, לִיפְלוֹג וְלִיתְנֵי בְּדִידַהּ:

If so, **instead of teaching, "If he sinned at that time, we do not attend to him," let** the Tanna **qualify and teach within that very case** of one who brought a sacrifice prior:

EXPLANATION

בַּמֶּה דְּבָרִים אֲמוּרִים — שֶׁהָיָה זִבְחוֹ זָבוּחַ בְּאוֹתָהּ שָׁעָה, אֲבָל אֵין זִבְחוֹ זָבוּחַ — לֹא!

In what cases is this said? When his sacrifice was already slaughtered at that time; but if his sacrifice was not yet slaughtered, we do not wait to perform the slaughtering!

RESOLUTION

הָכִי נָמֵי קָאָמַר: בַּמֶּה דְּבָרִים אֲמוּרִים — שֶׁהָיָה זִבְחוֹ זָבוּחַ בְּאוֹתָהּ שָׁעָה, אֲבָל אֵין זִבְחוֹ זָבוּחַ — נַעֲשָׂה כְּמִי שֶׁחָטָא בְּאוֹתָהּ שָׁעָה, וְאֵין נִזְקָקִין לוֹ.

The Gemara answers: **This is indeed what he is saying: In what cases is this said? When his sacrifice was already slaughtered at that time; but if his sacrifice was not slaughtered, he is treated like one who sinned at that time, and we do not attend to him.**

מִשְׁנָה MISHNAH

MISHNAH

הָאִשָּׁה שֶׁיָּצְאָה לֵיהָרֵג, אֵין מַמְתִּינִין לָהּ עַד שֶׁתֵּלֵד.

MISHNAH: A woman who is being taken out to be executed, we do not wait for her until she gives birth if she is pregnant; she is executed immediately.

MISHNAH

הָאִשָּׁה שֶׁיָּשְׁבָה עַל הַמַּשְׁבֵּר, מַמְתִּינִין לָהּ עַד שֶׁתֵּלֵד.

However, **a woman who has already sat on the birthing stool** and active labor has begun, **we wait for her until she gives birth,** because the child is now considered an independent entity.

MISHNAH

הָאִשָּׁה שֶׁנֶּהֶרְגָה, נֶהֱנִין בִּשְׁעָרָהּ.

In the case of **a woman who was executed, one may derive benefit from her hair,** as hair is not forbidden as part of a corpse's forbidden benefit if detached or prepared.

MISHNAH

בְּהֵמָה שֶׁנֶּהֶרְגָה, אֲסוּרָה בַּהֲנָאָה.

Whereas in the case of **an animal that was executed** by the court, it is completely **forbidden for benefit.**

גְּמָרָא GEMARA

QUESTION

פְּשִׁיטָא, גּוּפַהּ הִיא!

GEMARA: Isn't it obvious that we do not delay the execution of a pregnant woman? **It is part of her body!** Why should we hold up her sentence for a limb of her body?

ANSWER

אִיצְטְרִיךְ, סָלְקָא דַּעְתָּךְ אָמֵינָא: הוֹאִיל וּכְתִיב "כַּאֲשֶׁר יָשִׁית עָלָיו בַּעַל הָאִשָּׁה", מָמוֹנָא דְּבַעַל הוּא, וְלָא לֵיפְסְדֵיהּ מִינֵּיהּ, קָא מַשְׁמַע לַן.

It was necessary to state this, for **it might enter your mind to say: Since it is written** regarding an assault that causes a miscarriage, **"As the husband of the woman shall lay upon him,"** this implies that the fetus **is the monetary property of the husband, and** the court **should not cause a monetary loss to him** by executing her while pregnant; therefore, the Mishnah **comes to teach us** that we do not delay her execution for the husband's monetary claim.

QUESTION

וְאֵימָא הָכִי נָמֵי!

The Gemara asks: **And why not say so indeed,** that we should preserve the fetus for the husband's sake?

PROOF

אָמַר רַבִּי אַבָּהוּ אָמַר רַבִּי יוֹחָנָן: אָמַר קְרָא "וּמֵתוּ גַּם שְׁנֵיהֶם" — לְרַבּוֹת אֶת הַוָּולָד.

Rabbi Abbahu said in the name of Rabbi Yochanan: The verse states regarding an adulterous woman, **"Then they shall both of them die,"** and the word **"both" comes to include the unborn child** with her in her execution.

QUESTION

וְהַאי מִיבְּעֵי לֵיהּ, עַד שֶׁיִּהוּ שְׁנֵיהֶן שָׁוִין, דִּבְרֵי רַבִּי יֹאשִׁיָּה!

The Gemara asks: **But this verse is required for** the teaching: The punishment applies **only when both of them are equal** in age and liability, **which is the opinion of Rabbi Yoshiyah!**

ANSWER

כִּי קָאָמְרִינַן מִ"גַּם".

The Gemara answers: **When we derive** our teaching, it is specifically **from** the extra word **"gam" (also),** not from "both".

QUESTION

יָשְׁבָה עַל הַמַּשְׁבֵּר וְכוּ׳. מַאי טַעְמָא?

We learned in the Mishnah: If **she sat on the birthing stool,** we wait for her until she gives birth. **What is the reason?**

ANSWER

כֵּיוָן דְּעָקַר, גּוּפָא אַחֲרִינָא הוּא.

Once the fetus **has uprooted** itself from the womb to be born, **it is a separate body** and not merely part of the mother.

STATEMENT

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הָאִשָּׁה הַיּוֹצְאָה לֵיהָרֵג, מַכִּין אוֹתָהּ כְּנֶגֶד בֵּית הָרֶיוֹן, כְּדֵי שֶׁיָּמוּת הַוָּולָד תְּחִילָּה, כְּדֵי שֶׁלֹּא תָּבֹא לִידֵי נִיוּול.

Rav Yehudah said in the name of Shmuel: A pregnant woman who is being taken out to be executed, they strike her opposite her womb so that the fetus dies first, so that she will not come to disgraceful disfigurement if the fetus were to attempt to emerge after her death.

QUESTION

לְמֵימְרָא דְּהַיְינוּ קָדְמָה וּמֵתָה בְּרִישָׁא?

The Gemara asks: Is this **to say that** without striking her, **she would die first?**

OBJECTION

וְהָא קַיְימָא לַן דְּוָולָד מָיֵית בְּרִישָׁא!

But don't we hold that the fetus dies first when the mother dies naturally?

PROOF

דְּתָנַן: תִּינוֹק בֶּן יוֹמוֹ נוֹחֵל וּמַנְחִיל,

For as we learned in a Mishnah: **A child one day old inherits and transmits inheritance;**

STATEMENT

וְאָמַר רַב שֵׁשֶׁת: נוֹחֵל בִּנְכָסֵי הָאֵם לְהַנְחִיל לָאַחִין מִן הָאָב.

and Rav Sheshet explained: He inherits his mother's property if she dies first, **to transmit it to his paternal brothers** if he dies immediately afterward.

INFERENCE

דַּוְקָא בֶּן יוֹם אֶחָד, אֲבָל עוּבָּר — לָא, דְּהוּא מָיֵית בְּרִישָׁא, וְאֵין הַבֵּן יוֹרֵשׁ אֶת אִמּוֹ בְּקֶבֶר לְהַנְחִיל לָאַחִין מִן הָאָב!

This implies that **specifically a child one day old** can inherit, **but a fetus cannot, because it dies first** in the womb when the mother dies, **and a son in the grave does not inherit from his mother to transmit to his paternal brothers!** Why then did Shmuel worry that the mother would die first?

RESOLUTION

הָנֵי מִילֵּי לְגַבֵּי מִיתָה, אֲיִדֵּי דְּוָולָד זוּטָרָא חַיּוּתֵיהּ, עָיְילָא טִיפָּה דְּמַלְואַךְ הַמָּוֶת וּמְחַתֵּךְ לְהוּ לְסִימָנִין, אֲבָל נֶהֱרָגָה — הִיא מֵתָה בְּרִישָׁא.

The Gemara answers: **This applies only regarding natural death, since the vitality of a fetus is fragile, the drop of the Angel of Death enters** the mother **and severs its vital organs first; but where she is executed, she dies first,** and the fetus might remain alive briefly and try to emerge.

OBJECTION

וְהָא הֲוָה עוֹבָדָא, וּפַרְכֵּיס עַד תְּלָת פַּרְכוּסֵי!

The Gemara challenges: **But there was an incident** where a mother died naturally **and the fetus twitched up to three times** after her death!

RESOLUTION

מִידֵּי דְּהָוֵי אַזְנַב הַלְטָאָה דְּמִפַּרְכְּסָא.

The Gemara answers: That is not actual life; **it is like the tail of a lizard that twitches** reflexively even after it is severed.

STATEMENT

אָמַר רַב נַחְמָן אָמַר שְׁמוּאֵל: הָאִשָּׁה שֶׁיָּשְׁבָה עַל הַמַּשְׁבֵּר וּמֵתָה בְּשַׁבָּת, מְבִיאִין סַכִּין וּמְקָרְעִים אֶת כְּרֵיסָהּ, וּמוֹצִיאִין אֶת הַוָּולָד.

Rav Nachman said in the name of Shmuel: A woman who sat on the birthing stool and died on Shabbos, they bring a knife and cut open her belly, and extract the fetus to save its life.

QUESTION

פְּשִׁיטָא, מַאי עֲבִיד?

The Gemara asks: Isn't this **obvious? What is** one doing that would be forbidden on Shabbos?

עמוד ב׳ DAF 7B

QUESTION

מְחַתֵּךְ בְּבָשָׂר הוּא!

Why would cutting open her abdomen to retrieve the fetus be forbidden on Shabbos? After all, cutting into a dead body **is merely cutting flesh!** Since a corpse is no longer alive, no prohibition of taking a life is involved, so why does Shmuel need to state that we do so?

STATEMENT

אָמַר רַבָּה:

To answer this, **Rabba said:**

ANSWER

לֹא נִצְרְכָה לְהָבִיא סַכִּין דֶּרֶךְ רְשׁוּת הָרַבִּים.

The ruling of Shmuel **is necessary only** to permit one **to bring a knife** to perform the operation **by way of a public thoroughfare** on Shabbos, which involves a melacha d'Oraisa of carrying in a public domain.

QUESTION

וּמַאי קָמַשְׁמַע לַן, דְּמִסְפֵּיקָא מְחַלְּלִינַן שַׁבְּתָא?

The Gemara asks: **And what does this come to teach us? Is it** coming to teach us **that even out of doubt we desecrate Shabbos** to save a life, since we do not know if the fetus is still alive?

OBJECTION

תְּנֵינָא:

We already **learned** this explicitly in a Mishnah in Maseches Yoma:

מִשְׁנָה MISHNAH

MISHNAH

מִי שֶׁנָּפְלָה עָלָיו מַפּוֹלֶת,

Regarding **one upon whom a debris-pile collapsed** on Shabbos,

MISHNAH

סָפֵק הוּא שָׁם, סָפֵק אֵינוֹ שָׁם,

and there is a **doubt whether he is there** under the rubble, or **a doubt whether he is not there;**

MISHNAH

סָפֵק חַי, סָפֵק מֵת,

and even if he is there, there is a **doubt whether he is alive** or **a doubt whether he is dead;**

MISHNAH

סָפֵק נָכְרִי, סָפֵק יִשְׂרָאֵל —

and even if he is alive, there is a **doubt whether he is a non-Jew** or **a doubt whether he is a Yid**—

MISHNAH

מְפַקְּחִין עָלָיו אֶת הַגַּל!

in all these doubtful cases, **we clear the pile from atop him** on Shabbos! So we already know that safek pikuach nefesh overrides Shabbos!

גְּמָרָא GEMARA

ANSWER

מַהוּ דְּתֵימָא:

The Gemara answers: **What might you have said?**

EXPLANATION

הָתָם הוּא דַּהֲוָה לֵיהּ חֲזָקָה דְּחַיְּיתָא,

You might have said that **there,** in the case of the debris, **it is because he had a chazakah of life** before the wall fell on him, so we assume he might still be alive;

EXPLANATION

אֲבָל הָכָא דְּלָא הֲוָה לֵיהּ חֲזָקָה דְּחַיְּיתָא מֵעִיקָּרָא — אֵימָא לָא,

but here regarding an unborn fetus, **where it never had an independent chazakah of life from the beginning** as a viable person, **say** that we should **not** desecrate Shabbos for its sake.

RESOLUTION

קָא מַשְׁמַע לַן.

Therefore, Shmuel's statement **comes to teach us** that we desecrate Shabbos even to attempt to save a fetus.

מִשְׁנָה MISHNAH

MISHNAH

הָאִשָּׁה שֶׁנֶּהֶרְגָה וְכוּ'.

The Mishnah had taught: **A woman who was executed** by the Beis Din, the court may **derive benefit from her hair, etc.**

גְּמָרָא GEMARA

QUESTION

וְאַמַּאי? אִיסּוּרֵי הֲנָאָה נִינְהוּ!

The Gemara asks: **And why** is it permitted to use her hair? After all, a human corpse and its attached body parts **are items from which benefit is forbidden!**

STATEMENT

אָמַר רַב:

Rav said:

ANSWER

בְּאוֹמֶרֶת "תְּנוּ שְׂעָרִי לְבִתִּי".

The Mishnah is speaking of a case **where she says** before her execution, **"Give my hair to my daughter."**

OBJECTION

אִילּוּ אָמְרָה ״תְּנוּ יָדִי לְבִתִּי״, מִי יָהֲבִינַן לַהּ?!

The Gemara challenges: **If she had said, "Give my hand to my daughter," would we give it to her?!** Can a person's verbal instruction undo the prohibition against deriving benefit from a dead body?!

STATEMENT

אָמַר רַב:

Rather, **Rav said:**

ANSWER

בְּפֵאָה נָכְרִית,

The Mishnah is dealing **with a wig** worn on her head, which is not an actual part of her body.

INFERENCE

טַעְמָא דְּאָמְרָה ״תְּנוּ״, הָא לֹא אָמְרָה ״תְּנוּ״ — גּוּפַהּ הוּא וּמִיתְּסַר.

The Gemara infers: The **reason** it is permitted is **that she said "Give** it to my daughter," demonstrating that she viewed it as property and not as part of herself; **but if she did not say "Give** it," then it is considered as **her body itself and is forbidden!**

OBJECTION

וְהָא מִיבַּעְיָא לֵיהּ לְרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא,

The Gemara raises an objection: **But didn't Rabbi Yosei b'Rabbi Chanina raise a dilemma** on this point?

QUESTION

דְּבָעֵי רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא:

For Rabbi Yosei b'Rabbi Chanina asked:

QUESTION

שְׂעַר נָשִׁים צִדְקָנִיּוֹת מַהוּ?

Regarding **the hair of righteous women** in an Ir HaNidachas (an apostate city whose property must be burned), **what is** the halacha?

STATEMENT

וְאָמַר רָבָא:

And Rava said in explaining that dilemma:

EXPLANATION

בְּפֵאָה נָכְרִית לָא קָמִיבַּעְיָא לֵיהּ,

Regarding a wig, he had no dilemma, as a wig is certainly property;

OBJECTION

כִּי קָמִיבַּעְיָא לֵיהּ לְרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא דְּתָלֵי בְּסִיכְתָּא.

when Rabbi Yosei b'Rabbi Chanina had a dilemma, it was where the wig was **hanging on a peg,** whether it is considered part of her garments or regular property. But when attached to her, it is clearly part of her body! This contradicts Rav, who says that an attached wig is NOT automatically part of her body unless she omits saying "give it."

RESOLUTION

הָכָא דִּמְחַבַּר בַּהּ, טַעְמָא דְּאָמְרָה "תְּנוּ", הָא לֹא אָמְרָה "תְּנוּ" — גּוּפַהּ הוּא וּמִיתְסַר.

The Gemara clarifies Rav's view: **Here, where it is attached to her, the reason** it is permitted is davka **that she said "Give** it," revealing that she does not treat it as part of her body; **but if she did not say "Give** it," then because it is attached, **it is** considered like **her body itself and is forbidden.**

OBJECTION

קַשְׁיָא לֵיהּ לְרַב נַחְמָן בַּר יִצְחָק,

This explanation of Rav **was difficult to Rav Nachman bar Yitzchak:**

QUESTION

וְהָא דּוּמְיָא דִּבְהֵמָה קָתָנֵי,

Doesn't the Mishnah teach the case of the woman's hair as **similar to the case of the animal?**

OBJECTION

מָה הָתָם גּוּפַיהּ — אַף הָכָא נָמֵי גּוּפַיהּ!

Just as there, regarding the animal, it refers to **its own body, so too here,** regarding the woman, it must refer to **her own body** and her real hair, not a wig!

ANSWER

אֶלָּא אָמַר רַב נַחְמָן:

Rather, Rav Nachman bar Yitzchak **said:** The Mishnah is indeed talking about her natural hair, and the reason for the difference is:

EXPLANATION

זוֹ מִיתָתָהּ אוֹסַרְתָּהּ, וְזוֹ גְּמַר דִּינָהּ אוֹסַרְתָּהּ.

Regarding **this one** (the woman), **it is her death that renders her forbidden,** so her hair—which does not change upon death—remains permitted; **whereas that one** (the animal), **its final verdict renders it forbidden,** so attached hair becomes forbidden at the time of the verdict.

STATEMENT

תָּנֵי לֵוִי כְּוָותֵיהּ דְּרַב, תָּנֵי לֵוִי כְּוָותֵיהּ דְּרַב נַחְמָן בַּר יִצְחָק.

The Gemara notes: **Levi taught a Braisa in accordance with Rav, and Levi** also **taught a Braisa in accordance with Rav Nachman bar Yitzchak.**

BRAISA

תָּנֵי לֵוִי כְּוָותֵיהּ דְּרַב:

The Gemara details: **Levi taught a Braisa in accordance with Rav:**

BRAISA

הָאִשָּׁה שֶׁיּוֹצְאָה לֵיהָרֵג וְאָמְרָה: ״תְּנוּ שְׂעָרִי לְבִתִּי״ — נוֹתְנִין,

A woman who is taken out to be executed and said, "Give my hair to my daughter," we give it to her daughter;

BRAISA

מֵתָה — אֵין נוֹתְנִין,

if **she died** without making this instruction, **we do not give** it to her daughter,

BRAISA

מִפְּנֵי שֶׁהַמֵּת אָסוּר בַּהֲנָאָה.

because benefit from a corpse is forbidden.

QUESTION

פְּשִׁיטָא!

The Gemara asks: Is it not **obvious** that benefit from a corpse is forbidden?

ANSWER

אֶלָּא שֶׁנּוֹיֵי הַמֵּת אָסוּר בַּהֲנָאָה.

Rather, it means **that the adornments of the corpse are forbidden to derive benefit from,** referring to a wig, exactly like Rav taught.

BRAISA

תַּנְיָא כְּוָותֵיהּ דְּרַב נַחְמָן בַּר יִצְחָק:

It was taught in a Braisa in accordance with Rav Nachman bar Yitzchak:

BRAISA

הָאִשָּׁה שֶׁמֵּתָה — נֶהֱנִין בִּשְׂעָרָהּ,

In the case of **a woman who died, one may derive benefit from her hair;**

BRAISA

בְּהֵמָה שֶׁנֶּהֶרְגָה — אֲסוּרָה בַּהֲנָאָה;

whereas regarding **an animal that was executed, it is forbidden to derive benefit from it.**

BRAISA

וּמָה הֶפְרֵשׁ בֵּין זֶה לָזֶה?

And what is the difference between this case **and that** case?

BRAISA

זוֹ — מִיתָתָהּ אוֹסַרְתָּהּ, וְזוֹ — גְּמַר דִּינָהּ אוֹסַרְתָּהּ.

For **this one, her death renders her forbidden; and for that one, its final verdict renders it forbidden.**

STATEMENT

הֲדַרַן עֲלָךְ הַכֹּל מַעֲרִיכִין.

May we return to you, "HaKol Ma'arichin"!

מִשְׁנָה MISHNAH

MISHNAH

מַתְנִי׳

MISHNAH:

MISHNAH

אֵין נֶעֱרָכִין פָּחוֹת מִסֶּלַע, וְלֹא יָתֵר עַל חֲמִשִּׁים סֶלַע.

One is not evaluated for less than a sela, nor for **more than fifty sela.**

MISHNAH

כֵּיצַד?

How so?

MISHNAH

נָתַן סֶלַע וְהֶעֱשִׁיר — אֵינוֹ נוֹתֵן כְּלוּם,

If a poor person **gave a sela and** then **became wealthy, he does not give anything** more, because he fulfilled his obligation according to his standing at the time;

MISHNAH

פָּחוֹת מִסֶּלַע וְהֶעֱשִׁיר — נוֹתֵן חֲמִשִּׁים סֶלַע.

if he gave **less than a sela and** then **became wealthy, he must give fifty sela,** since his initial payment was invalid.

MISHNAH

הָיוּ בְיָדָיו חָמֵשׁ סְלָעִים,

If **there were five sela'im in his possession,** and the standard valuation would be fifty sela'im:

MISHNAH

רַבִּי מֵאִיר אוֹמֵר: אֵינוֹ נוֹתֵן אֶלָּא אַחַת,

Rabbi Meir says: He gives only one sela, and keeps the rest for his living needs;

MISHNAH

וַחֲכָמִים אוֹמְרִים: נוֹתֵן אֶת כּוּלָּן.

and the Sages say: He must give all of them.

MISHNAH

אֵין נֶעֱרָכִין פָּחוֹת מִסֶּלַע, וְלֹא יָתֵר עַל חֲמִשִּׁים סֶלַע.

The Mishnah repeats the rule: **One is not evaluated for less than a sela, nor more than fifty sela.**

גְּמָרָא GEMARA

GEMARA

גמ׳

GEMARA:

QUESTION

אֵין נֶעֱרָכִין פָּחוֹת מִסֶּלַע. מְנָלַן?

The Gemara asks: That **one is not evaluated for less than a sela, from where do we know it?**

PROOF

דִּכְתִיב: ״וְכָל עֶרְכְּךָ יִהְיֶה בְּשֶׁקֶל הַקֹּדֶשׁ״,

For it is written: "And all your valuations shall be in the shekel of the Sanctuary,"

EXPLANATION

כָּל עֶרְכִּין שֶׁאַתָּה מַעֲרִיךְ לֹא יְהוּ פְּחוּתִין מִשְּׁקָל.

meaning **all valuations that you evaluate shall not be less than a shekel** (which is a sela).

QUESTION

וְלֹא יָתֵר עַל חֲמִשִּׁים סְלָעִים.

And that one is **not** evaluated for **more than fifty sela'im,** from where do we know it?

PROOF

דִּכְתִיב: ״חֲמִשִּׁים״.

For it is written: "Fifty" shekels as the maximum valuation in the pasuk.

מִשְׁנָה MISHNAH

MISHNAH

הָיוּ בְיָדָיו חֲמִשָּׁה כּוּ׳.

We learned in the Mishnah: If **there were five** sela'im **in his possession, etc.,** Rabbi Meir says he gives only one.

גְּמָרָא GEMARA

QUESTION

מַאי טַעְמָא דְּרַבִּי מֵאִיר?

The Gemara asks: **What is the reasoning of Rabbi Meir?**

ANSWER

כְּתִיב "חֲמִשִּׁים" וּכְתִיב "שֶׁקֶל",

It is written "fifty" shekels for a wealthy person, **and it is written "shekel"** as a minimum for a poor person;

EXPLANATION

אוֹ חֲמִשִּׁים אוֹ שֶׁקֶל.

this teaches that one gives **either fifty** if he can afford the full valuation, **or one shekel** if he is poor, but never an intermediate amount!

QUESTION

וְרַבָּנַן?

And how do **the Rabbanan** respond to this?

ANSWER

הַהוּא, לְכָל עֲרָכִין שֶׁאַתָּה מַעֲרִיךְ לֹא יִהְיוּ פְּחוּתִים מִשְּׁקָל הוּא דַּאֲתָא,

They hold: **That** pasuk mentioning a shekel **comes for** the rule **that all valuations you evaluate shall not be less than a shekel;**

PROOF

הֵיכָא דְּאִית לֵיהּ — אָמַר קְרָא: "אֲשֶׁר תַּשִּׂיג יַד הַנּוֹדֵר",

but **where he has** more money, **the verse says: "According to what the hand of the vow-maker can afford,"**

EXPLANATION

וְהָרֵי יָדוֹ מַשֶּׂגֶת.

and behold, his hand can afford all five sela'im!

QUESTION

וְרַבִּי מֵאִיר?

And how does **Rabbi Meir** learn this verse?

ANSWER

הָהוּא ״יַד הַנּוֹדֵר וְלֹא יַד הַנִּידָּר״ הוּא דַּאֲתָא,

That verse **comes** to teach: **The hand of the vow-maker, and not the hand of the subject of the vow,** determining that affordability depends on the one making the pledge.

OBJECTION

וְרַבָּנַן, לָאו מִמֵּילָא שָׁמְעַתְּ מִינַּהּ דְּהֵיכָא דְּיָדוֹ מַשֶּׂגֶת שְׁקוֹל מִינֵּיהּ?

And the Rabbanan answer: **Do you not automatically hear from it that wherever his hand can afford, we take it from him?**

STATEMENT

אָמַר רַב אַדָּא בַּר אַהֲבָה:

Rav Adda bar Ahavah said:

STATEMENT

הָיוּ בְּיָדָיו חָמֵשׁ סְלָעִים, וְאָמַר ״עֶרְכִּי עָלַי״,

If **there were five sela'im in his hands, and he said, "My valuation is upon me,"** creating a first obligation,

STATEMENT

וְחָזַר וְאָמַר ״עֶרְכִּי עָלַי״,

and he then repeated and said, "My valuation is upon me," creating a second obligation,

STATEMENT

וְנָתַן אַרְבַּע לַשְּׁנִיָּה וְאֶחָד לָרִאשׁוֹנָה —

and he gave four sela'im **for the second** vow **and one** sela **for the first** vow—

RULING

יָצָא יְדֵי שְׁתֵּיהֶן.

he has fulfilled his obligation for both of them!

QUESTION

מַאי טַעְמָא?

What is the reason?

ANSWER

בַּעַל חוֹב מְאוּחָר שֶׁקִּדֵּם וְגָבָה — מַה שֶּׁגָּבָה גָּבָה.

Because of the rule: **A later creditor who collected first, what he collected he has collected!**

EXPLANATION

בְּעִידָּנָא דְּיָהֵיב לַשְּׁנִיָּה, מְשַׁעְבַּד לְרִאשׁוֹנָה.

At the time that he gives four sela'im **to the second** vow, those funds were technically **encumbered to the first** vow;

EXPLANATION

בְּעִידָּנָא דְּיָהֵיב לָרִאשׁוֹנָה, תּוּ לֵית לֵיהּ.

yet since he paid them to the second, it stands, and **at the time that he gives** the remaining one sela **to the first, he no longer has** any more money, so paying one sela discharges his obligation as a poor person!

SUMMARY

The Gemara first resolves a machlokes between the first Tanna and Rabbi Shimon ben Elazar regarding collecting damages from heirs, explaining their dispute around oral loans and Torah-mandated liabilities. It defends the view that a Torah obligation creates a lien by bringing a case of a pit digger who stood trial right before dying. Next, the Gemara analyzes the Braisa regarding a condemned person's korbanos, explaining that we do not hold up an execution to slaughter an offering because of the affliction of delaying sentence, though sprinkling blood from an already-slaughtered korban is permitted since it takes no time. Finally, the Mishnah and Gemara discuss the execution of a pregnant woman, teaching that she is executed immediately unless she has already sat on the birthing stool, and rejecting the idea that we should delay execution to protect the husband's financial interest in the fetus.

לְמַעֲשֶׂה WHAT TO TAKE HOME

The sugya brings a fascinating halocha regarding pikuach nefesh on Shabbos. If a pregnant woman sitting on the birthing stool passes away on Shabbos, the Gemara tells us we bring a knife through reshus harabim, slice her womb, and extract the fetus. The Gemara asks: isn't it a doubt whether the child is actually alive? How do we mechalel Shabbos on a sefeik-sefeika with no chazaka of life? The Gemara answers with a powerful Yesod: when it comes to saving a life, even a flickering, uncertain spark of potential life, we break every barrier.

Think about what the Torah is telling us here. In the eyes of the world, a faint possibility, an unproven chance, or someone with no track record of success isn't worth setting aside the holy Shabbos for. But the Torah views a neshama completely differently. Hashem looks at a Yid who seems distant, broken, or completely lacking a "chazaka" of spirituality, and He says: there is a spark there. Move mountains, break the normal rules, do whatever it takes to reach that life and bring it out into the world.

We often look at ourselves or others and think, "What's the point? There's no baseline here, no chazaka of growth, no real track record." The sugya teaches us never to write off a single Yid or a single spiritual spark. Every tiny possibility of life is a whole world worth fighting for.

Today, look for one subtle spark of goodness in yourself or in another Yid, a small mitzvah, a quick kapitel Tehillim, or a kind word, and treat it like a precious life worth moving heaven and earth to save.