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Taanis Daf 18

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o"h**

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### MEGILLAS TAANIS

➤ It is written in Megillas Taanis that these are the days that one is not allowed to fast on them and on some of them; it is not even permitted to eulogize. From Rosh Chodesh Nissan until the eighth day of Nissan, the Chachamim were victorious over the Sadducees in a debate regarding the korban tamid (*The Sadducees maintained that the tamid should be donated by individuals and the Chachamim convinced them that communal funds are required.*). These days were declared as minor festivals and it is prohibited from fasting or even eulogizing on these days. From the eighth day of Nissan until after Pesach, the debate regarding the Yom Tov of Shavuos was settled (*The Baitusim held that Shavuos must be on a Sunday*) and therefore it was decreed that one cannot fast or eulogize on these days.

The Gemora asked on the necessity regarding the decree that it is prohibited from eulogizing on the first day of Nissan; it should be prohibited regardless since it is Rosh Chodesh. The Gemora answers that the decree is needed in order to prohibit the day before the festival as well. The Gemora explains that since Rosh Chodesh is Biblical, it would not require strengthening (*by prohibiting the day before also*), however the festivals mentioned in Megillas Taanis are only a Rabbinical ordinance and hence they require strengthening.

The Gemora asks a similar question on the second section cited in Megillas Taanis. What was the purpose of including the days of Pesach in the decree? Rav Pappa

answers that due to the decree, the day following Pesach is also prohibited.

This Gemora is obviously in accordance with the opinion of Rabbi Yosi who maintains that the day following a day on which Megillas Taanis prohibits eulogizing is also prohibited (*According to the Tanna Kamma, only the day preceding such a day would be prohibited*). If so, why does Megillas Taanis find it necessary to rule that the twenty-ninth day in Adar is subject to the prohibition of eulogizing because it is the day preceding the first of Nissan, let it be prohibited because it is the day following the twenty-eighth of Adar, which is also a festival. The Gemora cites the braisa in Megillas Taanis which records the incident. The Romans had decreed that the Jews could not study Torah, perform circumcisions or keep Shabbos. Yehudah ben Shamua took advice from a Roman noblewoman and the Jews went out into the streets at night to protest. They cried out that we are brothers (the Jews and the Romans), and we are children from the same father and mother. Why are you (the Romans) issuing such harsh decrees on us? The Romans listened and revoked the decree. This day was pronounced as a festival.

Abaye answers that the decree was necessary in an instance where Adar had thirty days. It would emerge that the day following the twenty-eight of Adar would be the twenty-ninth and the there would be no prohibition on the thirtieth. Since the first of Nissan was declared to be a festival, the thirtieth of Adar will be prohibited since it is the day preceding the first of Nissan.



Rav Ashi answers that declaring the first of Nissan as a festival is necessary even when Adar has twenty-nine days. If the twenty-ninth is only prohibited due to its being the day following the twenty-eighth, it would be forbidden to fast but eulogizing would be permitted; now that the twenty-ninth is located between two festivals, it was considered a festival in itself and even eulogizing would be forbidden.

The Gemora asks another question on this segment of Megillas Taanis. Why was it necessary to say “from the eighth of Nissan,” the eighth of Nissan is anyway subject to the laws against eulogizing because it was included in the first festival (*the first eight days of Nissan because of the debate regarding the tamid*)? The Gemora answers that if for some reason, the Chachamim would abolish the first festival, the eighth of Nissan would still be prohibited because of the second decree.

The Gemora concludes that we could utilize the same answer to the challenge raised before. The braisa needed to teach that the twenty-ninth of Adar is prohibited on account that it is the day preceding the first of Nissan even though it would have been prohibited anyway since it is the day following the twenty-eighth of Nissan. This is just in case the festival of the twenty-eighth was abolished; the twenty-ninth would still be prohibited. (17b – 18a)

### SHMUEL'S RULINGS

➤ The Gemora asks a contradiction regarding Shmuel's rulings pertaining to the laws discussed in Megillas Taanis. Shmuel rules that the halacha is in accordance with Rabbi Meir who maintains that when eulogizing is prohibited on a particular day, the prohibition extends only to the day before and not the day after. Yet, Shmuel is also quoted as ruling in accordance with Rabbi Shimon ben Gamliel who holds that only the days that were declared as festivals are prohibited but the day preceding and the day following the festival is permitted.

The Gemora answers that initially Shmuel thought that Rabbi Meir was the most lenient opinion and therefore he ruled like him (*since the prohibition against fasting is only a Rabbinical one*). When he discovered that Rabbi Shimon ben Gamliel was even more lenient, he retracted and ruled according to him. (18a)

### RABBI YOCHANAN'S OPINION

➤ It was said in the name of Rabbi Yochanan that the halacha is in accordance with the opinion of Rabbi Yosi. Rabbi Chiya bar Abba clarified this ruling. On a day that Megillas Taanis declared not to fast on them, Rabbi Yochanan ruled that the halacha is like Rabbi Yosi that it is forbidden to fast on the preceding day as well (*but not on the following day*). However, regarding a day that Megillas Taanis prohibited eulogizing, Rabbi Yochanan rules in accordance with Rabbi Meir that only the day preceding will be subject to the prohibition of eulogizing. (*It emerges according to Rabbi Yochanan, that any day mentioned in Megillas Taanis that prohibits eulogizing or fasting, the halacha would be that the preceding day will also be prohibited but not on the day which follows.*)

The Gemora asks on Rabbi Yochanan from a Mishna which would seemingly indicate that the day preceding a minor festival recorded in Megillas Taanis will not be prohibited. Since it is an anonymous Mishna, Rabbi Yochanan should rule according to that opinion.

The Gemora cites the Mishna in Megillah that even though the Megillah is sometimes read earlier than the normal day, eulogizing and fasting would be permitted on those days. The Gemora proceeds to analyze as to which day precisely the Mishna is referring to. It cannot mean the fourteenth since that day is Purim and Megillas Taanis explicitly prohibits eulogizing and fasting. It cannot be referring to the thirteenth since that day is Yom Nikanor, which is a minor festival mentioned in Megillas Taanis. It cannot be referring to the twelfth since that day is Yom

Turyanus, which is also a festival mentioned in Megillas Taanis. The only remaining day that it can be referring to is the eleventh. The Mishna is ruling that the Megillah can be read on the eleventh but there are no prohibitions against fasting or eulogizing even though this is the day preceding Yom Turyanus. This is inconsistent with Rabbi Yochanan's opinion that the halacha is in accordance with Rabbi Yosi.

The Gemora answers that in fact, the Mishna is referring to the twelfth; and the answer to the objection raised above is that the Chachamim had subsequently abolished the festival of Yom Turyanus because of two pious brothers who were killed on that day. The Gemora persists that it should still be prohibited from fasting on the twelfth because it is the day preceding Yom Nikanor. The Gemora answers that if the tragedy was sufficient enough of a reason to abolish the festival, we cannot decree that it is prohibited to fast on the account of it being the day preceding Yom Nikanor. (18a – 18b)

### NIKANOR AND TURYANUS

➤ The Gemora proceeds to explain the festival of Yom Nikanor and Yom Turyanus. *Yom Nikanor* celebrated the death of Nikanor, a Greek general, who would wave his hand at Yerushalayim and its vicinity and say, "when will these fall into my hands so that I can trample it?" When the Hasmoneans succeeded in driving the Greeks from Israel, he was captured. They cut off his thumbs and big toes and hung them by the gates of Yerushalayim. This incident occurred on the thirteenth of Adar and they declared this day as a minor festival.

*Yom Turyanus* celebrated the death of Turyanus, a Roman officer who put two Jews - Papus and Lulianus - to death. Before doing so, he mocked them publicly, challenging the Jewish God to intervene on their behalf, as He was reputed to have done on behalf of Chananya, Misha'el and Azariah. Papus and Lulianus responded that they were not

deserving of divine intervention, and neither was Turyanus on the level of Nevuhadnezzar to have a miracle take place because of him. They concluded that Hashem probably had made him (Turyanus) the instrument of their death in order to punish him for it. Immediately after their death, messengers from Rome arrived who removed him from his position and cracked his head with clubs. Since this incident occurred on the twelfth of Adar, they declared this day as a minor festival. (18b)

### FASTING ON ROSH CHODESH

➤ The Mishna cited Rabban Gamliel who said that the Chachamim would never decree that the first day of the series of fasts should be on Rosh Chodesh, Chanukah, or Purim. If the fasts began already and one of the days of the fasts fell out on Rosh Chodesh, we would not interrupt the fasts.

Rav Acha explains that this is only correct if there were already three fasts; then we continue even though one of the fast days fell on Rosh Chodesh. Rabbi Assi maintains that this is true even if they fasted just once.

The Mishna had stated that Rabbi Meir maintains that even though Rabban Gamliel said that they do not interrupt, he would admit that the fast should not be completed. This halacha is identical to a case where Tisha B'av fell on Erev Shabbos.

Rav Yehuda said in the name of Rav that the Chachamim disagree and maintain that the fast must be completed. Mar Zutra said in the name of Rav Huna that the halacha is in accordance with the opinion of the Chachamim. (18b)

WE SHALL RETURN TO YOU,  
SEDER TAANIYOS KEITZAD

## INSIGHTS TO THE DAF

## CAN ONE VOLUNTEER TO DIE TO SAVE THE OTHERS?

➤ *Our Gemora relates the following incident: Yom Turyanus* celebrated the death of Turyanus, a Roman officer who put two Jews - Papus and Lulianus - to death. Before doing so, he mocked them publicly, challenging the Jewish God to intervene on their behalf, as He was reputed to have done on behalf of Chananya, Misha'el and Azariah. Papus and Lulianus responded that they were not deserving of divine intervention, and neither was Turyanus on the level of Nevuhadnezzar to have a miracle take place because of him. They concluded that Hashem probably had made him (Turyanus) the instrument of their death in order to punish him for it. Immediately after their death, messengers from Rome arrived who removed him from his position and cracked his head with clubs. Since this incident occurred on the twelfth of Adar, they declared this day as a minor festival.

Rashi explains that Papus and Lulianus were righteous men. The emperor's daughter was found murdered and they accused the Jews of committing the crime. The emperor threatened to kill all the Jews unless they could produce the murderer. Papus and Lulianus falsely admitted to the crime and they were the only ones executed by Turyanus.

There is a question discussed in halacha if a person is permitted to volunteer to die in order to save the lives of other people.

Some say that it is even a mitzvah to do so. The Chazon Ish (Yoreh Deah 69) proves the permissibility of this act from the story of Papus and Lulianus), about whom the Gemora (Bava Basra 10b) says that no person is allowed into their exclusive area in Olam HaBa.

However, the reason for this is a dispute among the Poskim. The Chazon Ish (ad. loc.) says that the reason for this is that this is considered primarily an act of saving

others and not an act of getting oneself killed. On the other hand, the Binyan Tzion (2:173) states that the reason for this is that since if he does not volunteer he will die in any event, it is permitted.

Bari Veshema ([bariveshema.blogspot.com](http://bariveshema.blogspot.com) 10/25/06) cites the above and elaborates on many issues related to this. Here is the entire discussion.

### The 9/11 scenario in Halachah

#### A. Background

Is it permissible to shoot down a plane full of passengers in the 9/11 (or the Corey Lidle) scenario, where the plane headed for a building with occupants?

The passengers of the plane will certainly die upon impact, and some of the occupants of the building will likely die if the plane is allowed to hit the building. The question is, may one actively deprive the passengers of the plane of Chayei Sha'ah, a short span of life, for the sake of preserving the extended life span of the building occupants.

The place to begin this discussion is the well-known Yerushalmi in the 8th Perek of Masseches Terumos:

"A group of people who were walking on the road and non-Jews accosted them, and said: 'Give us one of you and we will kill him, and if not, we will kill all of you, even if they will all get killed they should not hand over one soul of Israel. If they designated one like Sheva the son of Bichri [In Shmuel II:20 Sheva ben Bichri is demanded by Yoav, the general of David's army, for rebelling against the king] they should hand him over and not get killed.

R' Shimon ben Lakish said: This is only so if he is liable for death, like Sheva ben Bichri.

And R' Yochanan said: Even though he is not liable for death like Sheva ben Bichri (it is still permissible to hand over the one who was singled out)."



The first Halacha here, that where no particular individual was singled out it is forbidden to hand anyone over, even if they will all die as a result, is recorded in Rambam (Yesodei HaTorah 5:5) and by the Rema (Yoreh De'ah 157:1).

This requires some elucidation. Generally speaking, one is obligated to give up his life rather than murder another, based on a Sevara of חזית טפי מאי חזית - "Why do you think your blood is redder?", meaning that there is no benefit in killing the other person, since either way a Jew will die, so there is no reason to allow the murder. However, in the case in the Yerushalmi, if they do not hand over one person, they will all die, including the person being handed over, so why do we not allow the handing over of one person to save the others?

The Kesef Mishneh on the Rambam (ad. loc.) explains that the Sevara of Mai Chazis is only necessary when the non-Jew who is asking you to kill has designated another particular Jew to be killed. In this case, however, even without the Sevara of Mai Chazis it is clearly forbidden to hand over one Jew, since there is no way to determine who should be handed over, and we cannot condemn one to death more than any of the others, and therefore they must all die and not hand anyone over.

**B. Can one volunteer to die to save the others?**

Yes. In fact, it is a Mitzvah to do so. The Chazon Ish (Yoreh Deah 69) proves the permissibility of this act from the story of Papus and Lulianus (who confessed to a crime of murder that they did not commit in order to save the Jews who were under threat - Rashi to Taanis 18b), about whom the Gemara (Bava Basra 10b) says that no person is allowed into their exclusive area in Olam HaBa.

However, the reason for this is a dispute among the Poskim. The Chazon Ish (ad. loc.) says that the reason for this is that this is considered primarily an act of saving

others and not an act of getting oneself killed. On the other hand, the Binyan Tzion (2:173) states that the reason for this is that since if he does not volunteer he will die in any event, it is permitted.

(An apparent practical difference would be in a situation where the person who is volunteering has a chance of escaping, where the Chazon Ish would still permit it, whereas the Binyan Tzion would not. This is not the 9/11 scenario, however.)

**C. Can we assume that the passengers on the plane would willingly volunteer, and shoot down the plane?**

In a Sefer called Mishnas Pikuach Nefesh [by R' Yosef Aryeh Lorincz, Bnei Brak 5763] (Simman 50), the author (when discussing this 9/11 scenario) assumes that there is an Anan Sahadei - a clearly valid assumption - that the passengers would be willing to give up their lives in this scenario, and it should be allowed.

However, he points out that usually there are minors (below Bar Mitzvah) on the plane, and for them the Anan Sahadei will not help (I assume, since they cannot waive their own lives, and we cannot do it for them).

Additionally, in the Sefer B'Chol Nafsh'cha (10:(32)) the author is not sure whether one can volunteer to be *actively killed by a Jew* to save the many. (He says that from the Yam Shel Shlomo to Bava Kama (8:59) it would seem that is allowed, based on what he writes regarding Shaul HaMelech committing suicide, but it still requires more thought).

**D. What is the Halachah in the dispute between R' Yochanan and Reish Lakish?**

When the non-Jews do designate someone to be killed, who is not liable for the death penalty, may he be handed over?



This is a Machlokes Rishonim. The Rambam (ad. loc.) says that they may not hand over the Jew who has been singled out, in accordance with the position of Reish Lakish, whereas many other Rishonim decide the Halachah in accordance with R' Yochanan [The Beis Yosef (Yoreh Deah 157) quoting the Rash to the Mishnah in Terumos and the Ran to Yoma 82a; Bach understanding of Semag (Lavin 165) and Semak (78); Issur V'Hetter HeAroch (Klal 59).] The Rema (Yoreh Deah ad loc) brings both opinions.

The Bach and Taz (157:7) decide the Halachah in accordance with the Rambam.

However, in Teshuvos Rema (11) he holds that the primary opinion is like Rabbi Yochanan. This is also the position of the Shaar Efraim (72), Tiferes Yisrael (Mishna Terumos 8:12) and the Chazon Ish (ad. loc.) say that the Halachah is in accordance with Rabbi Yochanan.

Most authorities hold that Rabbi Yochanan's position is only true if the one who is singled out will certainly die in any event.

**E. What is the rationale for R' Yochanan's position?**

This is a further dispute. From many Rishonim (Kesef Mishneh ad loc., Rashi to Sanhedrin 74b s.v. Yatza, Ran (Yoma 4a in the Rif folio), Ritva and Maharam Chalawa to Pesachim 25) it seems that the reason for R' Yochanan's position is that the Sevara of the Kesef Mishneh quoted above for the prohibition of handing one of the people over is no longer applicable. Since the one who has been singled out is going to die anyhow, there is no reason why he should not be handed over to spare the others.

However, the Maharam Shick (Yoreh Deah 155), the Chazon Ish (ad loc) and Igros Moshe (Yoreh Deah 2:60) all say that the reason why he may be handed over is because, after he has been singled out, he has the status of a Rodef. [However, the Igros Moshe there does end up

proving that the Ran and the Rash hold of the first reason as above.]

**F. Does this hold true even at the expense of the condemned's Chayei Sha'ah?**

Yes. This is clear from the Chazon Ish and the Igros Moshe. R' Moshe explains that the reason for this is because whatever time there is in excess of that Chayei Sha'ah which they are depriving that person of, only he is a Rodef on the others, but they are not a Rodef on him for that time span, since he will not have that time to live in any event.

Presumably, according to the first reason mentioned in the Rishonim as well, there is still reason enough to hand the one who is singled out over the others, since his lifespan is inevitably limited to Chayei Sha'ah.

[Although the Yad Avraham on the margin to the Shulchan Aruch seems to disagree, the Sefer B'Chol Nafsh'cha says that that position is in accordance with Reish Lakish].

**G. Can we extrapolate from the Hetter to hand over the person, that it allowed to actively kill him to save the others?**

The Meiri (Sanhedrin 72b s.v. Zeh) as well as the Arugos HaBosem (brought in the Hagaha to the Mordechai (end of Perek Arba Misos) say that, while one may hand over the Jew to a non-Jew, one may not actively kill the Jew.

However, the Sefer B'Chol Nafsh'cha says that this is not implied by the simple reading of the other Rishonim (since the logic used should apply to direct murder as well).

If we were to decide the Halachah in accordance with the position of Rabbi Yochanan, then, it would seem that it is permissible to shoot down the plane, since they will die in any event, and the occupants of the building will be saved as a result.

However, we cannot simply discount the weighty position



of the Rambam on this issue, as there are major Acharonim who decide the Halachah like him, as above.

**H. Are there Hetterim even if we were to decide the Halachah in accordance with Reish Lakish?** Perhaps.

a) There are positions in the Acharonim (Lechem Mishneh to Rambam ad loc., Tosefes Yom HaKippurim (Yoma 82) who hold that even Reish Lakish would only argue if there is some slim chance that the person singled out will escape. But if there is no chance at all, he would agree that he should be handed over.

b) The Chazon Ish (ad loc) discusses the following scenario: "We must delve into a case where one sees an arrow about to kill many people, and he can divert it to a different side, where it will kill only one person on another side, and those on this side will be saved, and if he were to do nothing, the many will die and the one will live. It is possible that this is not the same as the case of handing over someone to be killed, since that handing over is a cruel act of killing someone, and in this act there is no salvation of others in the inherent nature of the act, it is only that the particular circumstance caused that this act will bring about salvation to others, so the saving of the others hinges on the handing over of a Jewish soul.

However, in the diversion of the arrow from one side to the other, there is essentially an act of salvation, and it is not connected at all to the killing of the individual on the other side, rather it is only now, in this circumstance, that there is another Jew on the other side. And since on this side many Jews will die, and on the other side only one, it is possible that we must make every effort to reduce the loss of Jewish life to whatever extent possible. After all, Lulianus and Papus were killed to save the Jews, as Rashi writes to Taanis 18b, and they say that no person can stand in their section.

However, here may be worse since he is actively killing,

and we only find that we may hand over Jews, but to kill with one's hands, perhaps we do not do so, and that which they killed Sheva ben Bichri was because he was a rebel against the king. But, this requires more delving into.

So, the Chazon Ish has a doubt whether one may do an act which is primarily one of salvation, which will actively kill an individual, to save the multitudes. It seems that the accepted position by the Sefarim on the topic is that the Chazon Ish permits this. [The Sefer B'Chol Nafshecha seems to understand that this case of the Chazon Ish is not really direct killing. He holds that the Chazon Ish's doubt is only in real active murder, like swerving a car away from the many to run over an individual. Though I do not see how that fits into the language of the Chazon Ish.]

In the Sefer "Chashukei Chemed", which is a collection of Psakim by R' Yitzchak Zilberstein Shlit"a of Bnei Brak in order of the Dapim on Pesachim, brings from the preface of the Pnei Yehoshua to his novellae on Shas, that he had vowed to dedicate his life to delving in to the depths of the Torah, after he was trapped under some collapsed buildings, and many came to save, "And those that they killed by their trampling (in the area) were even more than those who had originally died, although there was no way out of this, since their intent was to save and remove the rubble."

Rav Zilberstein understands that the Pnei Yehoshua is approving of what they did. (It seems to me that the language of the Pnei Yehoshua implies that the Hetter is because - if they don't do this they would all die anyhow, in addition to this being an act with the intent of saving. This would be a parallel to the 9/11 scenario. Though it is not clear in the Pnei Yehoshua whether he would hold this to be true even according to Resh Lakish, nevertheless, in the final analysis, he says it is allowed).

**I. Is shooting down the plane primarily an act of saving or of killing?** One could perhaps distinguish between that

Pnei Yehoshua and the 9/11 scenario, wherein in the Pnei Yehoshua's case they were not actually doing acts of killing, they were only inadvertently shifting debris that caused people to die.

Rav Chaim Kanievsky Shlit"a, quoted in the Sefer Mishnas Pikuach Nefesh, says that he is unsure whether this should be considered an act of killing or of salvation.

**J. Is a situation of war different?** In the Sefer Mishnas Pikuach Nefesh, the author raises the concern that if we were to conclude that it is impermissible to shoot down the plane, we would be in a terrible quandary. Our enemies could take a few Jews from their countries, put them on a plane (with a nuclear bomb!) drop it on the concentration of the Jews!

He therefore says that in the context of war, the rules are different. Here, everyone must fight and be willing to sacrifice his life to save the multitudes from the enemy, and therefore it is allowed to down the plane although we are killing Jewish passengers.

This would even be true if there were children on the plane who are not obligated to fight against the enemy, since that is the Halachah, that in war we sacrifice the few to save the many.

And, so, a plane hijacked by terrorists would come under the rubric of war, and would be permissible, especially in light of Rav Yaakov Kamenetzky's position on the impermissibility of ransoming the kidnapped Rav Hutner, on a hijacked plane, at the time, due to Israel being engaged in a war with the Arabs since '48.

[What would be in a case where one is not sure whether a terrorist attack is being perpetrated, like initially on 9/11, or in the Corey Lidle case, is an interesting question]

**K. Conclusion:** We have a number of *Tzedadim* that would allow for downing the plane:

- 1) If all the occupants are adults, based on an assumed volunteering to save the multitudes.
- 2) If we hold like the many Rishonim who hold like Rabbi Yochanan, as some Acharonim aver, it would likely be allowed.
- 3) Even according to the Rambam and Resh Lakish, if it is clear that they will all die if nothing is done, some Acharonim say that it is allowed.
- 4) This may constitute primarily an act of salvation, with the killing being a side-effect, which is probably allowed according to the Chazon Ish.
- 5) In the context of war, this would certainly be permissible.

## DAILY MASHAL

The Yeshivos Hakedoshos  
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דַּעַת וְדִיבּוּר  
DEI'AHVE DIBUR  
INFORMATION & INSIGHT

*This shmuess was delivered by HaRav Shmuel Berenbaum at Yeshivas Beis Hillel in Bnei Brak during a chizuk meeting before the beginning of the summer zman.*

I am honored to say *divrei chizuk* to *bonei Torah* before the coming summer *zman*. Although it is always important to strengthen others in Torah study, the *gemora* (*Erchin* 16b, according to the reading of the *Shitta Mekubetzes*) teaches us, "R' Tarfon said, 'I wonder if anyone living today can rebuke others. If one man says, "You must remove a splinter from between your eyes [a small sin -- see Rashi]," the other will rebut, "You must remove the plank from



between your eyes [a major sin]." ' R' Eliezer ben Azaryah said: 'I wonder if anyone living today accepts rebuke willingly.'"

HaRav Yisroel Salanter *zt'l*, the renowned founder of the *mussar movement*, once commented that even if a single person out of a large audience will take what the *darshan* says to heart, the *darshan* should go ahead and speak. Since I feel I am benefiting from what I am telling you, I feel justified in talking, and perhaps others will be motivated too.

Let us appraise the value of studying Torah. The *gemora* (*Brochos* 61b) tells us that "the wicked kingdom [Rome] once forbade Jews to study Torah. Papus ben Yehudah found R' Akiva disseminating Torah in public. Papus said to him: 'Akiva! Why are you not afraid of what the government will do to you?' R' Akiva answered: 'This can be compared to a fox that walked along the river-bank and saw fish darting from one place to the other. [The fox] asked them: "From what are you fleeing?" [The fish] answered: "We are fleeing from the nets that men cast [in the river]." [The fox] asked: "Perhaps you want to come up to the dry land, and we will live [together] just like our ancestors?" [The fish] answered him: "Why are you considered the most clever animal? You are stupid and not clever! If we live in fear in a habitat where we can survive, surely in a habitat where we cannot survive we will live in fear.'"

What exactly was the argument between Papus ben Yehudah and R' Akiva? Chazal (*Taanis* 18b, see Rashi, s.v. *bekodkiyah*) write that Papus gave up his life for *am Yisroel*. A princess was found murdered, and since it was unknown who committed the murder, the non-Jews accused the Jews. The king decreed that all Jews should be killed. To save all the Jews Papus accepted the blame. He was put to death and the decree was annulled. This was Papus ben Yehudah. [*Editor's Note: In Taanis it refers only*

*to "Papus" and not "Papus ben Yehudah," but they may have been the same person.]*

Nonetheless, when Papus ben Yehudah saw R' Akiva engaging in Torah study and disseminating Torah publicly when it was forbidden to study Torah, he reproved R' Akiva for not being afraid that the government would punish him.

Papus ben Yehudah's question was actually deeper than that. We are not obliged to die for the sake of studying Torah. It is not one of the three *aveiros* for which the rule *yeihoreig ve'al ya'avur* applies. When we do not study Torah we are only passively not fulfilling the Torah--*shev ve'al ta'aseh*. Even if R' Akiva believed this was a time of *shmad*, in which we are required to be *moseir nefesh*, why did he need to teach Torah publicly? He could have studied Torah at home. Why did he place himself in a situation of *pikuach nefesh*? The Torah instructs us "You shall live by them" (*Vayikra* 18:1) -- "and not die by them" (*Yoma* 85b). Papus ben Yehudah asked R' Akiva a solid *kashye*.

What was R' Akiva's answer? He compared Papus's argument to the fox's proposal for the fish to join him on dry land. Surely the clever fox did not overlook the obvious fact that fish need to live in water. The fox intended to suggest a way in which they could live on dry land, and planned to pour water in a pipe or in an aqueduct so the fish could live there and would not be endangered by the fishing nets. If so, why did the fish answer so defiantly "You are stupid!" and what is the comparison to what Papus asked? Was his question so ridiculous?

Papus ben Yehudah actually asked R' Akiva how he could dare act as he did, since it was not according to *halocho*. We are not obliged to die for *talmud Torah*, and at the least we are surely not obliged to teach Torah publicly when danger of death is involved. If R' Akiva disagreed and maintained that according to *halocho* one is even

obligated to die in order to teach Torah publicly, that surely did not make Papus's question ridiculous. Papus ben Yehudah was himself an *odom godol*.

Let us think a little deeper. Why did the fish summarily reject the fox's suggestion?

The fish claimed that even if the fox provided them with water by pipe, dry land can never be "the habitat where we can survive." The danger of living there is far more than in the river. The moral R' Akiva inferred was that studying Torah can never "cause" one's death. Studying Torah is not a regular mitzvah; it has the special characteristic of being "the habitat where we can survive." If in the end one does die, it can only be because of some other reason, perhaps known only in *Shomayim*.

What type of Torah are we discussing? Teaching Torah to others. Although undoubtedly we can fulfill the mitzvah of talmud Torah when studying at home, "the habitat where we can survive" is only when we teach Torah publicly to others, and therefore it cannot possibly cause any decree of death. This is exactly what the fish answered: No matter how much water you provide us with, it cannot be an alternative to "the habitat where we survive."

But why did R' Akiva call Papus ben Yehudah foolish simply because he did not understand the above? Was it so simple and evident?

The *gemora* (*Yevomos* 9a) tells us that once after Levi asked Rabbenu HaKodosh a question, Rebbe answered: "It seems that you do not have any brain in your skull!" The *gemora* discusses why the question is not a question. Here too a difficulty must be resolved. Why did Rebbe answer Levi so sharply? Should a *talmid* be answered in such a way after he asks a question? In addition, we see the *gemora* itself discusses the various sides of this question, which shows the question is certainly not simple.

A rav's obligation to teach his *talmid* is not limited to teaching him proficiency in the Talmud's text. He must teach him how to comprehend the *gemora* properly. When a *talmid* asks a baseless question the rav cannot be content with just informing him it is incorrect. Doing so is improper *chinuch*. The rav must clarify to the *talmid* why he should never have conceived of such a question. His mistake in the process of analyzing the *gemora* must be fully elucidated to him.

Since Rebbe knew that Levi's *kashye* was worthless, in order to teach him how to analyze Torah correctly he had to emphasize that such a question only befits someone without a head on his shoulders. The *talmid* would afterwards think more deeply, and not remain with only a superficial understanding. Compared to correct comprehension, a mistaken understanding is like having no mind at all.

This is what R' Akiva clarified to Papus: One cannot question whether the obligation of *yeihoreig ve'al ya'avur* is relevant to teaching Torah publicly, whether it is unjustified *mesirus nefesh*. Such a question is intrinsically erroneous. It is incorrect understanding, actual foolishness. To think that Torah study can possibly cause one's death is absurd. On the contrary, teaching Torah publicly is the essential factor in "the habitat where we survive."

We now understand the inner meaning of what we say each day in *davening* (*Bircas Krias Shema*), that "it is our life and the length of our days." This is a *halocho lema'aseh*. R' Akiva taught Torah publicly although it seemed he was endangering his life, because Torah itself is life and not death. Not only studying Torah is life, teaching Torah publicly also is life. It is not only an additional level in one's study, it is the fact of life.

The yeshiva, where Torah is studied, is "the habitat where we survive." (I am, however, uncertain if individuals



studying alone or with a *chavrusa* are considered studying *berabim* when they do this within a *tzibbur*, or perhaps only when many come together to hear a *shiur* from the Rosh Yeshiva it is considered studying *berabim*. This must be clarified.)

Although those who study Torah live frugally in comparison to those engaged in making a livelihood, this cannot be considered *mesirus nefesh* for Torah. On the contrary, we must understand that studying Torah does not induce any loss; it is "the habitat where we survive." We dare not think that for studying Torah we are giving up on life. We are not giving up on life; the Torah generates life. This is true even if it seems to us that it is not so, just as Papus ben Yehudah thought.

Dovid Hamelech said: "Surely goodness and *chesed* shall pursue me all the days of my life" (*Tehillim* 23:6). Maran the Chofetz Chaim asks: Do goodness and *chesed* **pursue** a person? Being pursued carries a negative connotation!?

The Chofetz Chaim answers that sometimes it appears that studying Torah causes one to suffer. Someone who goes into business enjoys luxury, but someone engaged in Torah lives sparingly. When Pesach arrives he may even have to borrow money from a *gemach* to pay for his *yom tov* expenses. It looks as if the Torah is "pursuing" him. Dovid Hamelech, however, requested, "If I am supposed to be punished by being pursued, I want goodness and *chesed* to pursue me."

We must think like this. Torah does not cause any hardships, but it is possible that *HaKadosh Boruch Hu* will do *chessed* with a person and so hardship that is intended to come from other causes seem to be caused by the Torah.

The Torah is our lives -- in this world! If you think that in America a person enjoys *Olam Hazeih* I am telling you that *Olam Hazeih* has nothing to sell no matter where you are.

What does a person gain by eating a more delicious meal or by having more green-dollar bills? Nothing at all! When we are studying Torah we feel that it is our lives and the length of our days. In every Tosafos and Rashi we sense enormous *chochmah*. I feel Hashem's *chochmah* in every section of the *gemora*.

How fortunate are we to be *zoche* to Gan Eden in *Olam Hazeih*, being able to study Torah without distractions.

I want to say how amazed I am that since *rosh chodesh Nisan* fell this year on *erev Shabbos* and *Shabbos*, the summer *zman* started on Sunday. How is it possible to restrain oneself until Sunday? Is the Torah not "our lives and the length of our days"? If people were handing out money somewhere, would any normal person patiently wait a few days, or would he run right over to grab some money for himself? "Studying Torah in public" is our life.

The *gemora* (*Avoda Zorah* 17b) tells that R' Eliezer ben Parta and R' Chanina ben Tradyon were caught by the government. R' Eliezer said to R' Chanina, "How fortunate are you that you were caught for doing one thing! Woe to me that I was caught for doing five things." R' Chanina was imprisoned only because he taught Torah and therefore had hope to be saved, but R' Eliezer was imprisoned because of five things and therefore had less hope to be saved.

R' Chanina answered, "How fortunate are you that you were caught for five things, for you will be saved. Woe to me that I was caught for one thing, for I will not be saved. You engaged in Torah and *gemilus chassodim*, but I engaged only in Torah. Anyone who engages only in Torah is like someone without an *Elokim*." Rashi explains that it is "as if he does not have an *Elokim* to save him." Rabbenu Chananel adds that he is like someone who does not have an *Elokim*, and therefore will also not have the reward for studying Torah.

But why did R' Chanina not engage in *gemilus chassodim*, if he believed that someone who does not engage in it is as if he has no *Elokim*? Furthermore, if R' Chanina understood that engaging in *gemilus chassodim* can save one's life, why did he not do so, since he knew he might be condemned to death because of teaching Torah?

R' Chanina was later asked how he could engage in Torah study after the government decreed punishment of death for doing so. R' Chanina answered: "*Shomayim* will have pity." He afterward asked if he would be *zoche* to *Olam Haboh*. He was answered that since he gave money to poor people in an incident of a *sofeik* whether the money belonged to *tzedokoh*, he would merit *Olam Haboh* for this.

One would think that his being *moseir nefesh* for Torah and being burnt for *kiddush Hashem*, wrapped in a *sefer Torah* and wool put around his heart so that his death would take a long time, was enough of a reason to be *zoche* to *Olam Haboh*. Even the executioner who removed the wool from over R' Chanina's heart was *zoche* because of that to *Olam Haboh*. Is it not logical that R' Chanina himself should be *zoche*? Furthermore, if it was forbidden for R' Chanina to study when a *gezeira* was in force, why did he endanger himself?

It seems that the way R' Chanina acted comes under the category of "an *aveira* done *lishmah*, which is greater than a mitzvah done not *lishmah*" (*Nozir* 23b), which we learn from Yael, who did an *aveira* to save Yisroel from Sisra.

This needs to be understood too. If what Yael did was commendable, why is it at all called an *aveira* and not a mitzvah? When an *aseih* supersedes a *lo sa'aseh*, is doing the *aseih* considered an *aveira*? Surely not!

It seems that an *aveira lishmah* remains an *aveira*, but it is better to do it in order to save all of Yisroel. This is similar to what is written in *Shabbos* (4a), that it is preferable to

commit a mild *aveira* to save an *am ho'oretz* from a severe *aveira*. Chazal (*Shabbos* 151b) also write, "Profane one Shabbos for him so he can observe Shabbos many times." An *aveira* to save *Klal Yisroel* is an *aveira*, but it worthwhile doing it to save the nation.

It is possible that R' Chanina, who was a *godol beTorah*, decided that if he engaged himself in *gemilus chassodim* he would be less of a *talmid chochom* and *Klal Yisroel* would lose out. All of *am Yisroel* needed the Torah of R' Chanina. By not engaging in *gemilus chassodim* he was *moseir nefesh*, although it was considered as if he had no *Elokim* and although he knew that because he acted in this way *HaKodosh Boruch Hu* would not save him. He nonetheless sacrificed himself for *am Yisroel* so they would have a *godol beTorah* who had studied Torah his whole life without stopping even for a moment, not even stopping to do *gemilus chassodim*.

R' Chanina therefore asked if he would be *zoche* to *Olam Haboh*. It was possible that he should not have studied Torah during the time of a *gezeira*, since it was not a case of *yeihoreig ve'al ya'avov*, but R' Chanina knew that if he did not engage in Torah publicly the Torah itself would be in danger. He was *moseir nefesh* for the Torah's sake. He asked whether he would be *zoche* to *Olam Haboh* since perhaps he did not act according to the *din* and forfeited *Olam Haboh*.

How terrifying it is to think that a person is prepared to be *moseir nefesh* and forfeit all of his *Olam Haboh* only for the sake of *am Yisroel*!

It is worthwhile to forfeit all of one's worlds so that the Torah will remain for *am Yisroel*. Even for the additional *ma'alah* of teaching Torah publicly it was worthwhile for R' Chanina to forfeit *Olam Haboh* and all of his *Olam Haboh* for the Torah. This is really awesome.