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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o"h**

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

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### 1) ONE WHO CAN SAVE WITHOUT KILLING

**(a) Question:** What is R. Yonason ben Sha'ul's source?

**(b) Answer:** It says "v'Chi Yinatzu Anashim Yachdav";

**1. (R. Elazar):** The verse discusses a fight to kill - "v'Im Ason Yiheyeh v'Nosata Nefesh Tachas Nafesh" (Beis Din kills only one who intended to kill).

**2.** Still, if no one dies (and one of them hit a woman, killing her fetus) he pays for the loss of the fetus!

**3.** According to R. Yonason ben Sha'ul, we understand why he pays. The case is, someone could have stopped him by maiming a limb.

**4.** However, if a Rodef may be killed even in this case, in what case does he pay?!

**(c) Question:** Perhaps he pays (to the father) for the fetus, because he was Chayav Misah 'to' (i.e. due to) a different person (the man he wanted to kill).

**(d) Rejection:** We do not distinguish. In either case he is exempt;

**1. (Rava):** If Levi was Rodef Yehudah and Levi broke Kelim, he is exempt, whether they belong to Yehudah or to others, for he is liable to be killed.

**2.** If Yehudah broke Levi's Kelim, he is exempt. Since he may kill Levi, and all the more so he may break his Kelim;

**3.** If Yehudah broke someone else's Kelim, he is liable. One may not save himself with another's money (without paying).

**4.** If David was Rodef Levi in order to save Yehudah, and David broke Kelim, whether they belong to

Yehudah or to others, he is exempt;

**i.** Letter of the law, he is liable. It is an enactment to exempt him, lest people refrain from trying to save a Nirdaf.

### 2) WHEN DO WE KILL TO PREVENT A TRANSGRESSION?

**(a) (Mishnah):** An onlooker may not kill someone chasing an animal to commit bestiality.

**(b) (Beraisa - R. Shimon):** A Kal va'Chomer teaches that we may kill someone about to serve idolatry:

**1.** We may kill someone about to be Pogem (rape) a person, and all the more so if he is about to be 'Pogem' Hash-m (serve idolatry)!

**2. Question:** We do not punish based on a Kal va'Chomer!

**3. Answer:** Indeed, he holds that we punish based on a Kal va'Chomer.

**(c) (Beraisa - R. Elazar b'Rebbi Shimon):** We may kill someone about to desecrate Shabbos.

**1.** He hold like his father, that we punish based on a Kal va'Chomer. He learns Shabbos from a Gezeirah Shavah "Chilul-Chilul" from idolatry:

### 3) FOR WHICH TRANSGRESSIONS MUST ONE FORFEIT HIS LIFE?

**(a) (R. Yochanan):** A vote was taken (among Chachamim). They concluded that if one is told to transgress or else be killed, he may (Tosfos; Rambam - must) transgress, with three exceptions - idolatry, Arayos, and murder (he may not transgress any of

these).

**(b)Question:** Is idolatry really an exception?!

**1.(Beraisa - R. Yishmael):** If one is told to serve idolatry or be killed, he may (Rambam - must) transgress - "va'Chay Bahem", do not die due to Mitzvos.

**2.Suggestion:** Perhaps this applies even in public!

**3.Rejection:** "V'Lo Sechalelu Es Shem Kodshi v'Nikdashti."

**(c)Answer:** The majority voted that the Halachah follows R. Eliezer.

**1.(Beraisa - R. Eliezer) Question:** Why must it say both "v'Ohavta Es Hash-m Elokecha b'Chol Levavcha *uv'Chol Nafshecha*" and also "uv'Chol Me'odecha"?

**2.Answer:** If one's Nefesh (life) is dearer to him than his money, he is commanded to love Hash-m (and refuse to serve idolatry), even if he must forfeit his life;

**3.If his money is dearer to him than his life, he is commanded to love Hash-m, even if he must lose his money.**

**(d)We learn Arayos and murder like Rabbi did.**

**1.(Beraisa - Rabbi) Question:** "Ki Ka'asher... u'Retzacho Nefesh" (we do not kill a Na'arah Me'urasah who was raped, like the law of Rotze'ach).

**2.Question:** We do not learn Na'arah Me'orasah from Rotze'ach. It says explicitly that we do not kill her, for she was Anusah!

**3.Answer:** The verse seems to learn Na'arah Me'orasah from Rotze'ach, but really, Na'arah Me'orasah teaches about Rotze'ach;

**i.**It equates Na'arah Me'orasah and Rotze'ach. Just like one can kill one who seeks to rape a Na'arah Me'orasah, one can kill a Rodef.

**ii.**It also equates Rotze'ach to Na'arah Me'orasah. Just like one must forfeit his life and not murder, one must

forfeit his life and not transgress Arayos.

**(e)Question:** What is the source that must forfeit his life and not murder?

**(f)Answer:** Reasoning teaches this.

**1.A man asked Rava:** The mayor told me to kill Ploni or be killed. What should I do?

**2.Rava:** Be killed, and do not kill. Perhaps Ploni is more worthy to live than you!

**(g)(Rav Dimi citing R. Yochanan):** We transgress (all Mitzvos except for the three) to save a life. This is only when the king did not decree against the Mitzvos;

**1.**If the king decreed that we must transgress, one may not transgress even a light Mitzvah. He must submit to be killed.

**(h)(Ravin citing R. Yochanan):** Even when the king did not decree, one may not transgress even a light Mitzvah in public. He must submit to be killed.

**(i)Question:** What is considered a light Mitzvah?

**(j)Answer (Rava bar Rav Yitzchak):** Wearing shoelaces like Yisraelim is an example. (Rashi - Yisraelim tie them differently because it is more modest; Rif - Nochrim wear red shoelaces and Yisraelim wear black, to avoid wearing Bigdei Nochrim.)

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**(k)Question:** What is considered in public?

**(l)Answer (R. Yakov):** It is when at least 10 people are present.

**1.**Obviously, he refers to Yisraelim - "v'Nikdashti b'Soch Bnei Yisrael."

**(m)Question (R. Yirmeyah):** If there are nine Yisraelim and one Nochri, what is the law?

**(n)Answer (Rav Yanai, brother of R. Chiya bar Aba):** We learn from a Gezeirah Shavah "Toch-Toch":

**1.**It says here "v'Nikdashti b'Soch Bnei Yisrael", like it says about the Meraglim "Hibadlu mi'Toch ha'Edah ha'Zos";



2. Just like there, there were 10 (evil Meraglim), and all were Yisraelim, also here there must be 10 Yisraelim.

**(o) Question:** Esther was married to Achashverosh in public (i.e. many Yisraelim knew about it. She should have been Moser Nefesh!)

**(p) Answer #1 (Abaye):** She was totally passive (she never did action until she went to the king on Mordechai's command. In such a case, one need not forfeit his life).

**(q) Answer #2 (Rava):** When the Nochri intends for his own benefit, the Yisrael may transgress even in public to save his life.

**(r) Support (Rava, for himself):** On their idolatrous festivals, Nochrim demand that we give to them Kelim with coals (for their rituals). Even though this pertains to idolatry, we give, and we are not Moser Nefesh!

1. We must say that since they intend for their own pleasure, it is permitted.

**(s)** This is like Rava taught elsewhere:

1. **(Rava):** If a Nochri told a Yisrael on Shabbos 'cut (attached) fodder and feed my animal, or else I will kill you', he may (Rambam - must) cut it and live;

2. If he told him 'cut fodder and throw it in the river, or else I will kill you', he may not cut it.

3. **Question:** What is the reason?

4. **Answer:** In the latter case, the Nochri's sole intent is to make the Yisrael transgress.

#### 4) ARE BENEI NOACH OBLIGATED IN KIDUSH HASH-M?

**(a) Question:** Are Bnei Noach commanded about Kidush Hash-m?

**(b) Answer #1 (Abaye - Beraisa):** Bnei Noach are commanded about seven Mitzvos;

1. If they were commanded about Kidush Hash-m, this would be an eighth!

**(c) Rejection (Rava):** They are commanded about

seven Mitzvos and all their ramifications (i.e. this could include forfeiting their lives rather than transgressing one of the seven Mitzvos).

**(d) Answer #2 (Rav Ada bar Ahavah):** "...Yislach Hash-m... Adoni... Nish'an Alai v'Hishtachaveisi" (Na'aman accepted to be a Ger Toshav, and mentioned that he must bow with his master to idolatry). Elisha blessed him "Lech l'Shalom";

1. Version #1 (Our text, Rashi) If he were commanded about Kidush Hash-m, Elisha should have protested!

2. **Rejection:** Yisraelim would not see it. Perhaps Bnei Noach are commanded to Mekadesh Hash-m only in front of Yisraelim.

3. Version #2 (Tosfos) If he were commanded about Kidush Hash-m, Elisha should have explained that he is permitted only in private, but not in public!

#### POINT BY POINT OUTLINE OF THE DAF

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