

18 Tishrei 5778  
Oct. 8, 2017



Sanhedrin Daf 84

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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

The *braisa* had stated that a *Kohen*, who is uncircumcised, an *onein*, or sitting, if he serves in the Beis Hamikdash, he has violated a mere prohibition (*and is not liable to death*).

The *Gemora* seeks the Scriptural sources for this: Rav Chisda said: We did not learn this from the Torah of Moshe our Teacher, until Yechezkel the son of Buzi came and taught it to us: Any stranger, uncircumcised in heart, or uncircumcised in flesh, shall not enter into My Sanctuary.

The *Gemora* cites the Scriptural verses which teach us that regarding an *onein* and a *Kohen* who perform the service while sitting.

The *braisa* had cited a dispute between Rebbe and the *Chachamim* regarding a *Kohen* with a blemish who serves in the Beis Hamikdash if he is liable to death or not. The *Gemora* cites the sources for their respective opinions.

The *braisa* had cited a dispute between Rebbe and the *Chachamim* regarding someone who knowingly committed *me'ilah* with *hekdesh* if he is liable to death or not. The *Gemora* cites the sources for their respective opinions.

The *Mishna* had stated: Regarding a non-*Kohen* who served in the Temple, Rabbi Akiva says: He is killed by

strangulation, but the Sages say: By the hands of Heaven.

The *Gemora* cites a *braisa*: Rabbi Yishmael holds that a non-*Kohen* who served in the Temple is killed by the hands of Heaven. Rabbi Akiva maintains that he is executed by stoning. Rabbi Yochanan ben Nuri holds that he is liable to strangulation. The *Gemora* explains the point of issue between them and why each *Tanna* does not agree with the others. (83b – 84a)

WE SHALL RETURN TO YOU,  
EILU HEIN HANISRAFIN

### *Mishna*

The following are liable for strangulation: One who strikes his father or his mother; one who kidnaps a soul from Israel; the rebellious sage against the High Court's decision; the false prophet; one who prophesies in the name of a false god; he who cohabits with a married woman; the *zomemin* witnesses against a *Kohen's* daughter and he who has cohabited illicitly with her. (84b)

### *Striking a Parent*

The *Gemora* cites the Scriptural source proving that one who strikes his father or his mother is liable to be executed by strangulation. The *Gemora* proves that the



son is liable even if he did not kill the parent, and only if he inflicted a wound upon them.

Rav would not permit his son to extract a splinter from his flesh and Mar, the son of Ravina, would not permit his son to lance a boil for him, lest he inadvertently wound him, thereby unintentionally transgressing a prohibition.

The *Gemora* asks: If so, even a stranger should be forbidden (*for it is forbidden to wound anyone*)?

The *Gemora* answers: In the case of a stranger, the unintentional transgression is in respect of a mere negative prohibition: but his son's transgression involves strangulation.

The *Gemora* asks: But what of that which we learned in a *Mishna*: A small needle may be moved on *Shabbos* for the purpose of extracting a thorn? But should we not be concerned that (*when removing the thorn*) a wound might be made, and thus a prohibition involving stoning be unintentionally transgressed?

The *Gemora* answers: There by doing so, he is performing an act of destruction (*which is not biblically forbidden on Shabbos*).

The *Gemora* asks: Now, this agrees with the opinion that one (*while inflicting a wound*) performs an act of destruction on *Shabbos* is exempt from liability; but according to the view that he is, what can you say?

The *Gemora* answers: Whom have you heard maintaining that one who performs an act of destruction by means of a wound is liable for the desecration of *Shabbos*? It is Rabbi Shimon; and Rabbi Shimon maintains that one who performs any mode of work

which is not required for its defined purpose is not punishable (*and therefore he will be exempt from the death penalty even if he intended to cause bleeding; he therefore is permitted to remove the thorn even though he might inadvertently cause the person to bleed*). (84b – 85a)

## INSIGHTS TO THE DAF

### *A Father's Honor*

The Torah says, "he who wounds his father or mother shall be killed" (Shemos 21:15). Our *sugya* explains that this *passuk* includes any wound involving the drawing of blood with, of course, warning and witnesses. Apropos, the *Gemora* recounts that some Amoraim did not allow their sons to extract thorns from their flesh or burst a pimple on their bodies, lest they inadvertently transgress this prohibition.

### **May a father forego his honor and allow his son to wound him?**

The Acharonim devote a ramified discussion as to if a father may forego his honor and allow his son to wound him. Basically the question is, can we compare the prohibition of wounding one's parents to the mitzvah to honor them? A father may forego his honor (Kiddushin 32a) but can we apply the same to wounding, which disdains (especially since it entails the death penalty)? According to *Sefer HaChinuch* (mitzvah 212), a father may also forego his "awe". In other words, aside from foregoing his honor, he may also forego things the Torah forbids a son to do because they disgrace his father. Still, the *Ran* disagrees and believes that a father must not forego his disgrace. The Ribash (Responsa, 220, in the name of the Raavad, and as explained in the *Sheiltos on Mishpatim, Sheilta 60*) and the *Turei Even* (Megillah 28a)

explain that the prohibition of disgracing or cursing a father is not the father's prerogative and he cannot forego it (see *Ralbach, Kuntres HaSemichah*, 101; *Minchas Chinuch*, mitzvah 48; and HaGaon Rav Y. Engel in *Gilyonei HaShas*, Kiddushin 32a).

Apparently, from our *sugya*, which tells of Amoraim who didn't allow their sons to remove thorns from their flesh, we can bring conclusive proof that a father mustn't let his son cause him pain. Nonetheless, *Minchas Chinuch* (ibid) explains that a father may allow his son to do a **certain act**, but the Amoraim suspected that their sons would inadvertently cause them additional, unnecessary pain, an act that the father did not forgo. As for the halachah, contemporary *poskim* rule that a father must not allow his son to strike or wound him (HaGaon Rav Y. Weiss in *Responsa Minchas Yitzchak*, I, 27, and HaGaon Rav S. Wosner in *Responsa Shevet HaLevi*, II, 112).

Our *sugya* gives rise to the question as to if a son may give his father medical treatment if it involves extracting blood. The *poskim* discuss the subject at length and as for the halachah, Rambam rules in *Hilchos Mamrim* 5:7 that "one who lets his father's blood (as a remedy) or if he was a doctor and cut into his flesh, he is exempt. Even though he is exempt, he should *lechatchilah* avoid doing it...lest he make a wound. This pertains if there is no other person to do so. If he is the only one there to take action and his father is suffering, he should let his blood and cut as much as the father allows." *Remo* rules the same (*Shulchan Aruch*, Y.D. 241:3).

If wounding a father in the course of medical treatment were forbidden by the Torah (*d'oraisa*), Rambam would not have written that a son should merely avoid it *lechatchilah*. Rabbi M.Y. Breisch therefore concludes (*Responsa Chelkas Ya'akov*, Y.D. 131) that a person may extract blood from his father for medical purposes, in

accordance with the *Amoraim's* opinion in our *sugya*, and that he even does a mitzvah thereby. Still, as a rabbinical injunction, a son should avoid such an act in order to place limitations on possibly harming his father. If, however, there is no one else to care for the father, it is a great mitzvah for the son to treat him. Moreover, if someone else's treatment causes hardship for the father, the son should treat him and thereby earn the mitzvah of parental honor (see *Responsa Minchas Shlomo*, II, 79, and *Responsa Minchas Yitzchak*, I, 27).

## DAILY MASHAL

### To Sit in Prison and Not Disgrace One's Parents

HaGaon Rav Y. Zilberstein told the following story: "A person was likely to be sentenced for ten years and asked me if he may claim a line of defence that his parents' deficient upbringing caused his actions. He asserted that he could thereby reduce his sentence to five years. I answered him that such a claim would definitely be forbidden. 'Cursed is he who disgraces his father or mother' (Devarim 27:16) refers even to defective parents and it is better to spend five more years in prison rather than disgrace one's parents."