

25 Tammuz 5781
July 5, 2021



Yoma Daf 85

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Uncovering for a possible life

The Mishnah said that if a building fell on someone, we search for him on Shabbos, even if we don't know if he is alive or if he is Jewish. What is the Mishnah saying? The Gemora explains that the Mishnah is teaching that we do so not only if we aren't sure if he is there (but he is surely alive), but even if we don't know if he is alive. Furthermore, even if we don't know if he is Jewish, we still search. (85a2)

If he is alive

The Mishnah said that if we found him alive, we uncover him. The Gemora says that this is obvious, and therefore explains that the Mishnah is teaching that we uncover him even if he will only live a short time. (85a2)

If he is dead

The Mishnah said that if he is dead, they must leave him. The Gemora says this too is obvious, and says that it is teaching us that even Rabbi Yehuda ben Lakish, for it was taught in a Baraisa: We do not rescue a corpse from a fire [on the Shabbos]. Rabbi Yehuda ben Lakish says: I heard that one may save a corpse from a fire on Shabbos.¹ Now, even Rabbi Yehudah ben Lakish said in the case of a fire [that the Sages allowed one to move the corpse] only because a person is in turmoil over his corpse, and if we do not allow him [to move it], he may extinguish the fire, but here [in the case of an avalanche], if you do not allow him, what else is there for him to do?² (85a2)

How to check?

The Gemora cites a Baraisa which discusses how far we check to see if he's alive. The first opinion says we check until we

see no breath from his nose, while some say that we check until we see no movement in his chest. If one checked and found corpses on top, he should not assume that the ones below have died, and must continue uncovering to check for them. Once it happened that those above were dead and those below were found to be alive.

The Gemora suggests that this dispute is in line with another dispute of Tannaim about how a fetus is formed. The first opinion in the Baraisa says that it starts forming from the head, as the verse says that Hashem *gozi – formed me at the head* from my mother's innards, while Abba Shaul says that it starts from the navel, where it was attached to its mother. The Gemora deflects this, saying that even Abba Shaul may agree that we check at the nose. He says that the fetus is formed from the navel, since everything starts from its center, but he may agree that life is detected at the nostrils, as the verse refers to everything which has the breath of life in its nose. Rav Pappa says that the dispute is when they are uncovering the body from the bottom up, but if they are uncovering from the top down, all agree that we assume he is dead if there is no breath at the nostrils, based on the same verse. (85a3 – 85a4)

Source for violating Shabbos to save a life

The Gemora discusses how we know that one may violate Shabbos to save a life. Once, Rabbi Yishmael, Rabbi Akiva, and Rabbi Elozar ben Azaryah were walking on the road, and Levi the organizer and Rabbi Yishmael, the son of Rabbi Elazar ben Azaryah, were walking behind them, and this

¹ Nevertheless, he agrees that one may not uncover one who died in an avalanche.

² For anything he would do to remove the corpse from the debris would anyways result in a Rabbinical transgression.

question was raised. From where is it derived that saving a life overrides the Shabbos?

Rabbi Yishmael spoke up and said that we learn it from the verse: If the thief is discovered while tunneling in. Now if in the case of this one it is doubtful whether he has come to take money or life; and although the shedding of blood contaminates the land, so that the Shechinah departs from Israel, yet it is lawful to save oneself at the cost of his life — how much more may one suspend the laws of the Shabbos to save human life!

Rabbi Akiva spoke up and said that we learn it from the verse: If a man shall act intentionally against his fellow etc. from beside my altar shall you take him to die; i.e., only off the Altar, but not down from the Altar. And in connection with this, Rabbah bar Bar Chanah said in the name of Rabbi Yochanan: That was taught only when one's life is to be forfeited, but to save life one may take one down even from the Altar. Now if in the case of this one, where it is doubtful whether there is any substance in his words or not, yet [he interrupts] the service in the Temple [which is important enough to] suspend the Shabbos, how much more should the saving of human life suspend the Shabbos laws!

Rabbi Elozar spoke up and said that we learn it from circumcision, which may be done on Shabbos. If circumcision, which is just one of the two hundred and forty-eight limbs, overrides Shabbos, surely a person's full body overrides it.

Rabbi Yosi the son of Rabbi Yehudah says that we learn it from the verse: You shall keep My Sabbaths, one might assume under all circumstances, therefore the text reads: 'Only' — *ach*, viz, allowing for exceptions.

Rabbi Yonasan ben Yosef said: For it is holy to you; i.e., it [the Shabbos] is committed to your hands, not you to its hands.

Rabbi Shimon ben Menasya said: And the children of Israel shall keep the Shabbos. The Torah said: Violate for his sake one Shabbos, so that he may keep many Sabbaths.

Rav Yehudah quotes Shmuel saying: If I would were there, I would have said that my source is better than theirs - the verse which states that one must live by the mitzvos, implying that he should not die as a result.

Rava says that all but Shmuel's source can be challenged: Rabbi Yishmael's source can be challenged by Rava's statement, for Rava said: What is the reason for the [permission to kill the] one tunneling? No man controls himself when his money is at stake, and since [the burglar] knows that he [the owner] will oppose him, he thinks: If he resists me I shall kill him, therefore the Torah says: If a man has come to kill you, anticipate him by killing him! Hence we know it [only] of a certain case; [but] from where would we know it of a doubtful one? Rabbi Akiva's source can be challenged by Abaye's statement, for Abaye said: We send two Torah scholars along to confirm if he anything substantive to testify. Again we know that only in the case of certain death, [but] from where would we know it of a doubtful case? And the same is true for all the rest, we don't necessarily know that one may override Shabbos for a possibility of saving a life. However, Shmuel's source has no challenge (since the requirement that we not die through the mitzvos mandates that we violate them for any chance of saving a life).

Ravina (or Rav Nachman bar Yitzchak) applied to Shmuel (the later Sage who had a better source than all the Tannaim) the adage that it is better to have one seed of a sharp pepper than a basket full of melons. (85a4 – 85b2)

MISHNAH: A chatas and a definite asham offering atone. Death and Yom Kippur atone with repentance. Repentance atones for less severe sins - positive and negative commandments, while its atonement for severe sins is pending until Yom Kippur.

If one said: I will sin and then repent, I will sin and then repent, he is not given the opportunity to repent. If one said:



I will sin and be atoned by Yom Kippur, Yom Kippur does not atone for him.

Yom Kippur atones for sins between a person and Hashem. Regarding sins between man and his fellow, Yom Kippur will not atone until he appeased the one he sinned against. Rabbi Elazar ben Azaryah expounded: You will become pure on Yom Kippur from all of your sins in front of Hashem; Yom Kippur atones for sins between a person and Hashem. Regarding sins between man and his fellow, Yom Kippur will not atone until he appeased the one he sinned against.

Rabbi Akiva says: Fortunate are you, O Israel, Before Whom are you cleansed? Who cleanses you? Your Father in heaven. As it is said: I will sprinkle on you pure water and you will be cleansed, and it also says: The mikvah of Israel is Hashem – just as a mikvah purifies the contaminated, so the Holy One, Blessed be He, purifies Israel. (85b2 – 85b4)

GEMARA: The Mishnah mentions a definite ashram, but a pending ashram it does not mention; why not? Atonement is written regarding it as well!? The Gemora answers: These (i.e., the chatas and definite ashram) provide a final atonement; whereas a pending ashram does not provide a final atonement.³ Alternatively, these – another can effect their atonement, whereas in the case of the pending ashram, nothing else can effect their atonement. For it was taught: If those who were liable to chatas-offerings, or a definite ashram – if Yom Kippur would pass, they are still obliged to offer them up; but in the case of those who were liable to pending ashram offerings, they are exempt. (85b5)

The Mishnah had stated: Death and Yom Kippur atone along with repentance. With repentance – yes, but by themselves – not? The Gemora suggests that this is not following Rebbe for it was taught in a Baraisa: Rebbe says: For all transgressions [of commands of] the Torah, whether one had repented or not, Yom Kippur provides atonement, except in the case of one who throws off the yoke [of the Torah],

³ As one is still obligated to offer a definite ashram if he discovers that he did transgress.

interprets the Torah unlawfully, or breaks the covenant of Avraham our father. In these cases, if he repented, Yom Kippur procures atonement, if not, not! — You might even say that this is in accord with Rebbe: Repentance needs Yom Kippur, but Yom Kippur does not need repentance. (85b5)

INSIGHTS TO THE DAF

Violating One Shabbos in order to Observe Many Others

One opinion in the Gemara derives the source for the law that saving a life overrides the Shabbos laws from the verse that states *the children of Israel shall observe the Shabbos in order to perform the Shabbos throughout their generations*. This teaches us that one should violate one Shabbos by saving a life so that the person whose life was saved may live to observe many Shabbosos.

The implication from the Gemara is that if we know for certain that the person whose life is being saved will not live until the next Shabbos, one is forbidden to violate the Shabbos on his behalf.

The commentators question this theory from the Gemara that we learned earlier (Yoma 71) that states that we allow the Shabbos to be violated even if the person for whom the Shabbos is being violated will only live for a few hours.

It is worth noting that the *Ohr HaChaim* in Parashas Ki Sisa (31:16) writes that we do not violate the Shabbos to save a life if the person will only live for a few more hours. The ruling of the *Ohr HaChaim* would appear to contradict the accepted halachah.

The *Minchas Chinuch* (mitzvah 32) resolves this issue by writing that we allow the laws of Shabbos to be violated to save a person's life even for a few hours if a rabbinical prohibition will be violated. Regarding a biblical prohibition, however, we do not allow one to violate the Shabbos laws to save a life for only a few hours. The verse quoted earlier



which teaches us that one can violate the Shabbos laws to save one's life so that one will be able to observe many Shabbosos refers to violating biblical prohibitions.

The Minchas Chinuch concludes that the final halachah is that one can violate even the biblical prohibitions of Shabbos to save a life, even if the person whose life is being saved will only live for a few hours. This is based on the exposition of the Gemara that derives the source for saving a life on Shabbos and overriding the laws of Shabbos from the verse that states *you shall guard My decrees and My laws that man shall carry out and by which he shall live*.

Performing a Less Severe Act although Success is not Guaranteed

The halachah is that when feeding a sick person with forbidden food, we initially attempt to feed him the food that is least severe in punishment regarding its consumption.

The *Sefer Toras HaYoledes* wonders what the halachah would be in a situation where the food that is more severe in punishment for its consumption will certainly heal the person, whereas the food that is more lenient regarding the punishment for its consumption will not definitely heal the ill person. Do we disregard the certainty of the former food and feed the patient the food that is less severe in punishment for its consumption?

It is clear that this question is only relevant when there is time to attempt feeding the patient the food that is less severe in punishment regarding its consumption. If this was not the case, it is clear that we would feed the patient the food that would certainly cure him.

The *Toras HaYoledes* offers a proof from Tosfos here who writes that the Gemara states that one can extinguish a fire on Shabbos or one can set up utensils that are filled with water which will cause the fire to be extinguished. Tosfos wonders why the Gemara found it necessary to state that one can place utensils near the fire to cause it to be extinguished if we have already been taught that one can

extinguish the fire directly. In his second answer, Tosfos explains that one would have thought that one is permitted to extinguish a fire directly because one will accomplish what he has set out to do. When one places utensils near the fire to extinguish the fire, however, it is possible that he will not accomplish what he set out to do, i.e., extinguishing the fire, and one would have thought that such an act should not be permitted. The Gemara therefore felt it necessary to teach us that even if one is not certain of the outcome, he can place the utensils near the fire to cause the fire to be extinguished. The *Toras HaYoledes* understands from the words of Tosfos that placing the utensils near the fire is only a rabbinical prohibition, as such an act will cause the fire to be extinguished indirectly. Since the act is only prohibited rabbinically, we prefer that one exercise this approach even though he may not accomplish what he has set out to do. Hence, we have a proof that one must always attempt to perform the act that is less severe in punishment even though one cannot be certain of success.

Science or Fiction?

The Mishnah states that if one was bitten by a mad dog, we do not feed him from the dog's liver lobe in order to heal him. Rambam explains that the rationale for this ruling is that the laws of the Torah are only suspended for cures that have a scientific rationale or have been shown by experience to be effective. One whose life is in danger can be healed through non-kosher medicine as long as it is a natural medicine.

Rashi maintains that the reason we cannot feed the person the dog's liver lobe is because it is not a valid cure.

The commentators wonder why one cannot heal someone on Shabbos even with a dubious remedy, as the halachah is that the laws of Shabbos are suspended in order to save a life.

Shearim Mitzuyanim B'Halachah answers that Rashi's explanation must be aligned with the opinion of the Rambam that the reason we cannot heal the person with the dog's liver lobe is because this is not a scientific cure. Rather, this

is a remedy known as a segulah, a talisman. It is noteworthy that the Chidash maintains that one is permitted to attempt to save a life with a forbidden food even if the remedy is only a segulah.

Violating Shabbos to Save a Life

The Gemara states that one can violate the Shabbos if there is a possibility that one's life will be saved.

The *Aruch HaShulchan* in Orach Chaim 328:3 notes that there is a debate amongst the Rishonim if the violation of Shabbos is totally permitted or if the laws of Shabbos are merely overridden because of the life-threatening situation.

This debate would be analogous to the ruling that the laws regarding *tumah*, ritual impurity, are suspended regarding the community. The Gemara stated earlier that a *korban* belonging to the community can be offered even if the *Kohanim* are *tamei*. The Gemara records a debate regarding the need to find a *Kohen* who is *tahor* to perform the *avodah*. The argument is predicated on the question if the laws of *tumah* are totally permitted or if they are merely overridden because of the current situation. The same rationale can be applied with regard to saving a life on Shabbos. If saving a life is totally permitted, it is not necessary to seek a means of saving a life in a manner that the Shabbos would not be violated. If, however, we say that saving a life merely overrides the Shabbos prohibitions, then one must first ensure that there is no other means of saving the person's life before one violates the Shabbos.

The commentators wonder according to the opinion that maintains that saving a life on Shabbos is totally permitted, why is there a halachah that one must seek the more lenient prohibition?

DAILY MASHAL

Healing the "Hard of Hearing"

The Gemara states a source for the law that one can save a person from a life-threatening danger even if the laws of

Shabbos will be violated. The Medrash in Haazinu poses a question regarding one who has an ear ache, if we are allowed to heal him on Shabbos. The Medrash answers that we are permitted to heal one who has an ear ache because when one is in a situation of a life-threatening danger, we are allowed to violate the Shabbos.

The Chasam Sofer explains that this Medrash is referring to *Shabbos Shuvah*, the Shabbos between Rosh Hashanah and Yom Kippur, and especially when the Rav delivers his sermon. One may claim that it is forbidden to rebuke the congregation harshly on the Shabbos preceding Yom Kippur, as one is forbidden to cause pain and anguish on Shabbos. The Medrash therefore states that this is a life-threatening situation, because if one does not hear and accept the rebuke on *Shabbos Shuva*, he never will repent before Yom Kippur.

Just a "Minute"

The Gemara which is brought l'halacha in Shulchan Aruch, Orach Chayim (329:4) requires one to be mechallel Shabbos to extend the life of another Yid-even if the chillul Shabbos will extend the life for just only one more minute.

The sefer Shaarei Orah (page 23) writes that we see how precious, halacha l'maasah, one minute of a person's life is. What can be accomplished in a minute? The first parsha of S'hma, the six zichros, Birchah HaTorah, to name just a few great mitzvos. The next time somebody asks you, "Got a minute?" or "Can I take a minute of your time?" perhaps your answer should be "I'm not so sure," for there are truly so many great things that one can accomplish in the "few minutes" that others may simply throw away. The word "minute" may come from the same source as minutiae, but in Yiddishkeit, its significance is great and, quite literally, everlasting. For life is not like treading water or just getting through the day-every minute is a very special opportunity.

Purity Below, Purity from Above

The Mishnah states that Rabbi Akiva said: "fortunate are you, O Israel. Before Whom do you cleanse yourselves? Who cleanses You? Your father in Heaven! As it is stated *I will*

sprinkle pure water upon you, and you shall be cleansed. And it also says: *The mikveh of Israel is HaShem.* Just as a mikvah purifies the contaminated, so does the Holy One, Blessed is He, purify Israel." It is noteworthy that Rabbi Akiva poses two questions. One is, "before Whom do you cleanse yourselves," and the second question is, "Who cleanses you?" When one seeks to become pure, i.e. to gain atonement for his sins and find himself once again in the good graces of HaShem, he must realize that purity and atonement is a two-step process. One must attempt to purify himself, by cleansing himself from sin, and he must realize that only Hashem can purify him from all his sins.

The Rambam alludes to this idea in Hilchos Teshuvah (2:2) when he writes that the definition of repentance is that the sinner distances himself from the sin, removes the sin from his thoughts, and accepts on himself not to commit the sin ever again. The sinner must also regret his past actions, and the One Who knows all hidden matters, i.e. HaShem, will testify on him that he will never commit this sin again. The Rambam states explicitly that in order to gain atonement, one must make all the effort that is necessary for the repentance process to be effective, but ultimately, one has to rely on HaShem to testify that he will never commit that sin again. This is parallel to the purification process, where one does everything he can to purify himself, but ultimately, it is HaShem who cleanses him from all sin.

Arrogance is a Sin between Man and his Fellow

The Mishnah states that Yom Kippur atones for sins between man and HaShem but Yom Kippur does not atone for sins between man and his fellow until he appeases his fellow.

Rav Shach zt"l is quoted in the *Sefer Machsheves Mussar* (page 109) as having said that one who is arrogant or who constantly seeks honor may erroneously assume that this is a sin between man and HaShem, but this thought is a grave mistake. In truth, the arrogant person or one who seeks honor is slighting his friend, as he is demonstrating that he is better than others, and for such sins one must seek forgiveness from his fellow and only then will Yom Kippur atone for his sins.

One who Mocks his Friend is Akin to Denying the Existence of Hashem

Rabbi Meir Bergman writes at length in his discourse on Parshas Kedoshim regarding the gravity involved in the sin of one who ridicules or defames another Jew as this is akin to a direct affront on Hashem.

Rav Bergman offers a proof to this thesis from the fact that the Torah juxtaposes the mitzvah of providing for the poor next to the laws regarding the festival of Shavuos and Rosh Hashanah. He writes that showing concern for the needs of a friend is in the category of accepting on oneself the yoke of the Heavenly Kingdom. This demonstration of concern is in a sense a prerequisite to the mitzvah of blowing shofar on Rosh Hashanah, which is the ultimate crowning of Hashem.

Rav Bergman cites the Gemara in Yevamos that states that when a gentile seeks to convert to Judaism, we inform him of certain mitzvos, one of which is the severity of one who refuses to give charity. The reason why we inform him of the obligation to give charity is because we are demonstrating to the potential convert that if one does not show concern for a fellow Jew, he is in essence demonstrating that he does not have concern for his creator.

Rabbi Klonimus Kalman Shapiro hy"d writes that it is a greater mitzvah to give up one's life for his friend than to give up one's life for Hashem, because when one gives up one's life for the son of the king, this signifies how much one loves the king. This, Rabbi Klonimus Kalman explains, is why the Gemara here states that Yom Kippur atones for all sins, regardless of a person repenting, except for the sin of one who removes from himself the yoke of Heaven.

The *Sheiltos of Rabbi Achai Gaon* (V'Zos Habracha 167) states that Yom Kippur atones for all sins except for the sin of one who mocks his friend. The reason that ridiculing a fellow is so severe is because when one mocks his friend, it is akin to denying the existence of HaShem.