

Whisper to her – לְחַשׁוּ לָהּ: Some commentaries explain that this whispering is to the fetus (see Rashi). However, the main idea here seems to be that sometimes, by whispering to the woman that it is Yom Kippur and that she will be able to eat afterward, she will be able to endure until after the fast. The author of the *Meiri* writes that one should even promise her that if she does not eat, her child will have reverence of God as described in stories in the Gemara.

Before I formed you – בְּטַרְם אֶצְרְךָ: *Tosefet Yom HaKippurim* writes that the main point of the verse is the last clause: “And before you came forth out of the womb I sanctified you,” indicating that in his mother’s womb he was already sacred, since he fasted on Yom Kippur. A similar story is related in the Jerusalem Talmud, in which the following verse is cited: “From my mother’s womb, You are my God” (Psalms 22:11; see *Sifah Yitzhak*).

הִיא עוֹבְרָה דָּאֲרָחָא, אֶתוּ לְקַמֵּיהּ דְּרַבִּי אֲמַר לָהּ: זִילוּ לְחַשׁוּ לָהּ דְּיוֹמָא דְּכִיפּוּרֵי הוּא. לְחַשׁוּ לָהּ וְאִלְחִישָׁא. קָרִי עָלֶיהָ “בְּטַרְם אֶצְרְךָ בְּבֶטֶן יְדַעְתִּיךָ” וְגו'. נִפְקַ מִיְנָה רַבִּי יוֹחָנָן.

§ With respect to a pregnant woman who smells food, it is told: **A certain pregnant woman smelled a food and craved it.** Those involved **came before Rabbi Yehuda HaNasi** to ask how to proceed. **He said to those who were inquiring: Go and whisper to her<sup>n</sup> that today is Yom Kippur. They whispered to her, and this whispering helped;** she stopped craving the food. **Rabbi Yehuda HaNasi read this verse about the baby she was carrying: “Before I formed you<sup>n</sup> in the belly I knew you, and before you came forth out of the womb I sanctified you” (Jeremiah 1:5), and indeed, the baby who came out of that woman was Rabbi Yoḥanan.**

הִיא עוֹבְרָה דָּאֲרָחָא, אֶתוּ לְקַמֵּיהּ דְּרַבִּי חֲנִינָא. אֲמַר לָהּ: לְחַשׁוּ לָהּ, וְלֹא אִלְחִישָׁא. קָרִי עָלֶיהָ:

The Gemara relates another story: **A certain pregnant woman smelled food and had a craving to eat it on Yom Kippur.** Those involved **came before Rabbi Ḥanina** to ask how to proceed. **He said to them: Whisper to her that today is Yom Kippur.** They whispered to her, but **she did not accept the whisper** and continued to crave the food. **Rabbi Ḥanina read this verse about the baby:**

## Perek VIII

### Daf 83 Amud a

“זוֹרוּ רְשָׁעִים מִרְחֹם”, נִפְקַ מִיְנָה שְׁבִתַּי אֶצֶר פִּירֵי.

“**The wicked are estranged from the womb**” (Psalms 58:4), i.e., it is clear they are estranged already in their mother’s womb. Indeed, **Shabbetai the hoarder of fruits came out of her.** He hoarded fruit during years of famine in order to inflate its price and profit at the expense of poor people.

“חֹלֶה מְאֻכְלִין אוֹתוֹ עַל פִּי בְקִיָּאִין.” אֲמַר רַבִּי יַנַּאי: חֹלֶה אוֹמֵר “צָרִיךְ”, וְרֹפֵא אוֹמֵר “אֵינוֹ צָרִיךְ” – שׁוֹמְעִין לְחֹלֶה, מֵאֵי טַעְמָא – “לֵב יוֹדֵעַ מְרַת נִפְשׁוֹ.” פְּשִׁיטָא! מַהוּ דְּתִימָא: רֹפֵא קִים לֵיהּ טַפְּי, קָא מְשַׁמַּע לֵן.

§ It was taught in the mishna: If a person is ill and requires food due to potential danger, **one feeds him according to the advice of medical experts.** **Rabbi Yannai said: If an ill person says he needs to eat,<sup>h</sup> and a doctor says he does not need to eat, one listens to the ill person. What is the reason for this halakha?** It is because the verse states: “**The heart knows the bitterness of its soul**” (Proverbs 14:10), meaning an ill person knows the intensity of his pain and weakness, and doctors cannot say otherwise. The Gemara asks: It is **obvious** that a person knows himself better than anyone else does. Why does this need to be stated explicitly? The Gemara answers: It is **lest you say that the doctor is more certain** because he has had more experience with this condition. Therefore, the verse **teaches us** that even so, it is the ill person who knows his own suffering better than anyone else.

רֹפֵא אוֹמֵר “צָרִיךְ” וְחֹלֶה אוֹמֵר “אֵינוֹ צָרִיךְ” – שׁוֹמְעִין לְרֹפֵא. מֵאֵי טַעְמָא – תוֹנְבָא הוּא דְּנִקִּיט לֵיהּ.

However, in the opposite case, if a **doctor says** that the ill person needs food, but the **ill person himself says he does not<sup>h</sup> need to eat, one listens to the doctor.** **What is the reason for this halakha?** It is because **confusion [tunba]<sup>l</sup> has taken hold** of the ill person on account of his illness, and his judgment is impaired. Consequently, he himself does not know how much he needs food.

תַּנֵּן: חֹלֶה מְאֻכְלִין אוֹתוֹ עַל פִּי בְקִיָּאִין. עַל פִּי בְקִיָּאִין – אֵין, עַל פִּי עֲצָמוֹ – לֹא. עַל פִּי בְקִיָּאִין – אֵין, עַל פִּי בְקִי אֶחָד – לֹא!

§ We learned in the mishna: If a person is ill, **one feeds him according to the advice of medical experts.** This implies that if there are experts present, then **according to the advice of experts, yes, one feeds the ill person;** but at **his own** instructions, **no, one does not feed him, contrary to Rabbi Yannai’s opinion.** It further implies that **according to the advice of several experts, yes, one feeds an ill person;** however, **according to the advice of only one expert, no, one does not feed him.** There appears to be a requirement for at least two doctors, which also contradicts Rabbi Yannai’s opinion that the opinion of one expert is sufficient to override the opinion of the ill person.

## HALAKHA

An ill person says he needs to eat – חֹלֶה אוֹמֵר צָרִיךְ: If an ill person says he needs to eat, he may be fed, even if doctors say it is not necessary (*Shulḥan Arukh, Oraḥ Ḥayyim* 618:1).

A doctor says the ill person needs food but the ill person himself says he does not – רֹפֵא אוֹמֵר צָרִיךְ וְחֹלֶה אוֹמֵר אֵינוֹ צָרִיךְ: If an ill person needs food on Yom Kippur, and an expert doctor, whether Jewish or gentile, says that if he is not fed his sickness will worsen and endanger him, he is fed, even if he denies needing food (*Shulḥan Arukh, Oraḥ Ḥayyim* 618:1).

## LANGUAGE

Confusion [*tunba*] – תוֹנְבָא: The origin of this word is Syriac, and it means a confusion of one’s senses. This confusion is likely to come as a result of illness, whereupon the ill person is likely to lose sensitivity to many things, among them his sense of hunger.

Dispute between doctors – מחלוקת רופאים – If one doctor says that an ill person requires food and one says that he does not, the ill person must be fed. The *halakha* is the same if the dispute is between two pairs of doctors (*Shulhan Arukh, Orah Hayyim* 618:2 and in the comment of the Rema). If one doctor and the ill person say he does not need to eat, and a different doctor says he does, the ill person may not eat. If two doctors say he does need to eat, the ill person may be fed, even if many other doctors and the ill person himself say he does not need food (*Shulhan Arukh, Orah Hayyim* 618:4).

NOTES

Two are like one hundred – תרי כמאה – By Torah law, testimony depends on the word of two witnesses. A declaration by two witnesses is considered as fact, provided the statements of the two do not contradict each other and are not contradicted by other witnesses. The testimony of a larger group of witnesses carries no more weight than the testimony of two witnesses. However, this principle does not apply in the case of assessment of a situation, where the *halakha* does follow the majority opinion. This rule of majority applies in any case that relies on expertise or understanding.

הכא במאי עסקינן – דאמר לא צריכא. וליספוד ליה על פי בקי! לא צריכא, דאיכא אחרינא בהדיה, דאמר: לא צריך. מאכילין אותו על פי בקיאיין.

The Gemara rejects this: **With what are we dealing here? We are dealing with a unique circumstance: The ill person says I do not need food, and the consultation of experts is required.** The Gemara suggests: **But let them feed him according to the advice of one expert**, as Rabbi Yannai said that in such a circumstance one feeds the ill person based on the advice of one doctor. The Gemara answers: **No**, the requirement of two experts is **necessary** in a case **where there is another, third expert with him who says that the ill person does not need to eat.** In such a case, **one feeds the ill person according to the advice of two experts** who agree that he requires it.<sup>41</sup>

פשיטא! ספק נפשות הוא, וספק נפשות להקל! לא צריכא דאיכא תרי אחריני בהדיה, דאמר: לא צריך. ואף על גב דאמר רב ספרא: תרי כמאה, ומאה בתרי – הני מילי לענן עדות, אבל לענן אומדנא – בתר דעות אזלינן.

The Gemara asks: If so, this is **obvious**, since it is a case of **uncertainty** concerning a **life-threatening** situation, and in all cases of **uncertainty** concerning a **life-threatening** situation, the *halakha* is **lenient**. The Gemara answers: **No**, this *halakha* is **necessary** in a case **where there are two other doctors** who, along with the ill person, say that **he does not need food.** **And although Rav Safrā said that two witnesses are like one hundred<sup>42</sup> witnesses, and one hundred witnesses are like two witnesses, that rule applies specifically to the matter of testimony; however, in the matter of assessing a situation, we follow the majority of opinions.** Therefore, one might think in this case that the ill person should not be fed because the opinion of two doctors plus the ill person should override the opposing opinion of two other doctors.

והני מילי – לענן אומדנא דממונא, אבל הקא – ספק נפשות הוא.

Generally speaking, two or more witnesses constitute complete testimony, and there is no difference between the testimony of two and the testimony of a large number of people. **However, this principle of following the majority applies specifically to assessing monetary issues, but here it is a case of uncertainty concerning a life-threatening situation.** Therefore, although it is the opinion of two doctors against the opinion of two doctors and the ill person, the ill person must eat.

והא מדקתני סיפא: ואם אין שם בקיאיין – מאכילין אותו על פי עצמו, מכלל דרישא דאמר "צריך"! חסורי מיחסרא והכי קתני: במה דברים אמורים – דאמר לא צריך אני, אבל אמר צריך אני – אין שם בקיאיין תרי אלא חד דאמר לא צריך – מאכילין אותו על פי עצמו.

The Gemara asks: **But from the fact that it is taught in the latter clause of the mishna that if there are no experts present one feeds him according to his own opinion, by inference, the first clause of the mishna is referring to a case where the ill person said he needs to eat.** In that case, the mishna states that one follows the experts' opinion, not his own, and feeds him. The Gemara answers: **The mishna is incomplete and is teaching the following: In what case is this statement that he may eat only based on the advice of experts said? It is when the ill person said: I do not need to eat. But if he said: I do need to eat, and instead of two experts there is only one who says that he does not need to eat, one feeds him according to his own opinion.**

מר בר רב אשי אמר: כל היכא דאמר "צריך אני" אפילו איכא מאה דאמרי "לא צריך" – לדידיה שמעינן, שנאמר: "לב יודע מרת נפשו".

Mar bar Rav Ashi said: **Any instance where an ill person says: I need to eat, even if there are one hundred expert doctors who say that he does not need to eat, we listen to his own opinion and feed him, as it is stated: "The heart knows the bitterness of its soul"** (Proverbs 14:10).

תנן: אם אין שם בקיאיין – מאכילין אותו על פי עצמו. טעמא – דליכא בקיאיין, הא איכא בקיאיין – לא! הכי קאמר: במה דברים אמורים – דאמר לא צריך אני, אבל אמר צריך אני – אין שם בקיאיין כלל מאכילין אותו על פי עצמו, שנאמר: "לב יודע מרת נפשו".

We learned in the mishna: **If an ill person himself says he needs to eat and there are no experts present, one feeds him according to his own opinion.** This implies that **the reason** one feeds him is because **there are no experts** present. One may infer from this that if **there were experts** present, **no**, one would not feed the ill person based on his own opinion but would instead listen to the advice of the experts. The Gemara rejects this: **This is what the mishna is saying: In what case is this statement that one follows the opinion of the experts said? It is when the ill person said: I do not need to eat. However, if he said: I do need to eat, it is considered as if there were no experts there at all; we feed him based on his opinion, as it is stated: "The heart knows the bitterness of its soul"** (Proverbs 14:10). All the experts are ignored in the face of the ill person's own sensitivities.

One who is seized with *bulmos* – מי שאחוז בולמוס – If one is afflicted with *bulmos* and his eyes are dimmed from hunger, he should be fed, even on Yom Kippur, until his eyes recover. If there is no permitted food available, one should feed him forbidden food, starting with the most minor prohibitions (*Shulhan Arukh, Oraḥ Hayyim* 618:9).

**Severity of forbidden foods – חומרי האיסורים:** The prohibitions relating to food are hierarchical: Eating untithed produce is more severe than eating non-kosher meat. It is worse to eat non-kosher meat than after-growths from the Sabbatical Year, which are forbidden by rabbinic law. It is worse to eat untithed produce than produce grown in the Sabbatical Year, which is forbidden by Torah law. If there is a choice between eating untithed produce and *teruma*, one should separate the tithes from the untithed produce even on Shabbat or Festivals. If that is not possible, one should eat the untithed produce, as that is a less severe prohibition than eating *teruma* (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 14:16).

## LANGUAGE

*Bulmos* – בולמוס: From the Greek βουλιμία, *boulimia*, meaning unhealthy hunger.

## NOTES

**Lobe of liver – תוצר כבד:** Rav Hai Gaon explains that this is one of the small parts of the liver.

**Feeding an ill person from the liver lobe – האכלה מחצר:** It seems that the dispute here is whether this constitutes administering a remedy or not. The Rambam explains that eating the liver lobe is not a medicinal cure but a folk remedy, which requires the faith of the ill person. No Torah prohibition may be violated for a folk remedy.

**One may place medicine – מטילין לו סם:** This statement seems to permit any acts necessary to prepare the medicine, even if it means violating multiple Torah prohibitions (Rabbeinu Yehonatan).

**There is uncertainty whether he is there, etc. – ספק ובר שם וכו':** Some authorities explain that these uncertainties are not necessarily distinct but cumulative: It is unclear whether there is a person there, whether he is a Jew, and whether he is alive. Despite the fact that there are many uncertainties, one still violates Shabbat due to the possibility of saving a life (Rabbeinu Yehonatan; *Min HaAnavim*).

**From when he can discern between good and bad – משבחין בין טוב לרע:** The *Me'iri* explains this is referring to nighttime, when one cannot test whether the ill person is able to distinguish food by sight. In that case, one checks whether he can discern different tastes.

**The least severe first – הקל הקל קודם:** The question has been raised: Isn't this obvious; why does the Gemara need to mention it? A suggested explanation is that the Gemara is stating that even if the more severe prohibition would work better as medication, one does not administer it first. Rather, one begins with the less severe prohibitions, since they might also heal the ill person (*Siah Yitzhak*).

**Where it is possible to feed him non-sacred food – היכא דיאפשר בחולין:** Rashi explains that using non-sacred food might not be possible because there may be an insufficient amount. Other commentaries suggest additional interpretations to this Gemara (*Gevurat Ari*).

**MISHNA** In the case of one who is seized with the life-threatening illness *bulmos*,<sup>HLB</sup> causing him unbearable hunger pangs and impaired vision, one may feed him even impure foods on Yom Kippur or any other day until his eyes recover, as the return of his sight indicates that he is recovering. In the case of one whom a mad dog bit, one may not feed him from the lobe of the dog's liver.<sup>N</sup> This was thought to be a remedy for the bite, but the Rabbis deem it ineffective. And Rabbi Matya ben Ḥarash permits feeding it to him, as he deems it effective.<sup>N</sup>

And furthermore, Rabbi Matya ben Ḥarash said: With regard to one who suffers pain in his throat, one may place medicine<sup>N</sup> inside his mouth on Shabbat, although administering a remedy is prohibited on Shabbat. This is because there is uncertainty whether or not it is a life-threatening situation for him, as it is difficult to ascertain the severity of internal pain. And a case of uncertainty concerning a life-threatening situation overrides Shabbat.

Similarly, with regard to one upon whom a rockslide fell, and there is uncertainty whether he is there<sup>N</sup> under the debris or whether he is not there; and there is uncertainty whether he is still alive or whether he is dead; and there is uncertainty whether the person under the debris is a gentile or whether he is a Jew, one clears the pile from atop him. One may perform any action necessary to rescue him from beneath the debris. If they found him alive after beginning to clear the debris, they continue to clear the pile until they can extricate him. And if they found him dead, they should leave him, since one may not desecrate Shabbat to preserve the dignity of the dead.

**GEMARA** The Sages taught: From where would they know that his eyes had recovered their sight? It is from when he can discern between good and bad food,<sup>N</sup> since under the influence of *bulmos* one eats food indiscriminately. Abaye said: It is with tasting. When he can distinguish the tastes of different foods his eyesight must have also recovered. For example, at night, although it is dark, the sign that his eyesight has been restored is that he is able to detect difference in tastes (*Me'iri*).

§ The Sages taught: In the case of one who is seized with *bulmos* and must be fed until his vision is restored, one feeds him the items whose prohibition is least severe first.<sup>HN</sup> If he must be fed forbidden foods, he should first be fed those whose level of prohibition is least severe. For instance, if there is untithed produce and an unslaughtered animal carcass [*neveila*] or any other non-kosher meat, one feeds him the *neveila*, as the prohibition of untithed produced warrants death at the hand of Heaven, but eating non-kosher meat is a transgression punishable only by lashes. If there is untithed produce and produce from the Sabbatical Year, he is fed the produce from the Sabbatical Year. Untithed produce warrants death at the hand of Heaven, whereas the produce of a Sabbatical Year is prohibited by a positive mitzva and there is no punishment associated with it.

If they have untithed produce and *teruma*, there is a dispute between *tanna'im* as to which food they should feed him, as it was taught in a *baraita*: One feeds him untithed produce and does not feed him *teruma*. Ben Teima says: It is better to feed him *teruma* and not feed him untithed produce. Rabba said: Where it is possible to feed him non-sacred food<sup>N</sup> by separating tithes from untithed produce and thereby rendering the remainder permitted, everyone agrees that one should make the produce fit for consumption by separating tithes and then feed it to him, even on Shabbat, when it is otherwise prohibited to separate tithes.

## BACKGROUND

מתני' מי שאחוז בולמוס – מאכילין אותו אפילו דברים טמאים, עד שיאורו עיניו. מי שנשכו בלב שוטה – אין מאכילין אותו מחצר כבד שלו, ורבי מתיא בן חרש מתיר.

ועוד אמר רבי מתיא בן חרש: החושש בגרונו מטילין לו סם בתוך פיו בשבת, מפני שהוא ספק נפשות, וכל ספק נפשות דוחה את השבת.

מי שנפלה עליו מפולת, ספק הוא שם ספק אינו שם, ספק חי ספק מת, ספק גוי ספק ישראל – מפקחין עליו את הגל. מצאוהו חי – מפקחין, ואם מת – ינחיהו.

גמ' תנו רבנן: מניין היו יודעין שהאיר עיניו? משבחין בין טוב לרע. אמר אביי: ובטעמא.

תנו רבנן: מי שאחוז בולמוס – מאכילין אותו הקל הקל, טבל ונבילה – מאכילין אותו נבילה, טבל ושביעית – שביעית.

טבל ותרומה – תנאי היא, דתנאי: מאכילין אותו טבל, ואין מאכילין אותו תרומה. בן תימא אומר: תרומה ולא טבל. אמר רבה: היכא דאפשר בחולין – דבולי עלמא לא פליגי דמתקנינן ליה ומספינן ליה.

*Bulmos* – בולמוס: The unhealthy sensation of hunger is the result of a drastic drop in blood sugar level, due to food deprivation or illness. As described in the Gemara, this state is accompanied

by a partial loss of vision. The Sages advised that an individual suffering from this symptom should immediately be fed sweet foods, which are digested quickly by the body.

כִּי פְּלִיגִי – בְּדִלָּא אֶפְשָׁר בְּחֻלְיִין, מֶרְסָבֵר: טֵבֵל חֲמוּר, וּמֶרְסָבֵר: תְּרוּמָה חֲמוּרָה, מֶרְסָבֵר: טֵבֵל חֲמוּר, אֲבָל תְּרוּמָה – חֲזִיּוּא לְפָהֳזֵן. וּמֶרְסָבֵר: תְּרוּמָה חֲמוּרָה, אֲבָל טֵבֵל – אֶפְשָׁר לְתַקּוּנָהּ.

Where they disagree, it is in a case where it is impossible to feed him non-sacred food because there is no way to separate tithes. One Sage holds that the prohibition of untithed produce is more severe; and one Sage holds that the prohibition of *teruma* is more severe. The two sides reason as follows. One Sage holds that the prohibition of untithed produce is more severe because it is prohibited to everyone; but *teruma* is fit for a priest, and therefore one could say that its prohibition is less severe. And one Sage holds that *teruma* is more severe because non-priests may never eat it, while untithed produce can be made fit to eat, and therefore, even while it is still untithed, the prohibition against eating it is less severe.

Perek VIII  
Daf 83 Amud b

NOTES

**טלטול מדרבנן הוא – Moving is prohibited by rabbinic law** – This point has been challenged, since the Gemara elsewhere gives a different reason for the prohibition against separating tithes on Shabbat. The main objection to separating tithes on Shabbat is that such an action makes the food fit for eating. This effectively completes the food, which is akin to repairing a vessel. Such an act is a primary labor prohibited on Shabbat. The Rambam argues that tithing food is similar to enacting a business deal, since one tithes fruits in order to present them to the priest, who thereby acquires them. Other commentaries write that there is an issue of carrying an object that is set aside from use on Shabbat [*muktze*]. However, this is not the primary problem (*Tosefet Yom HaKippurim; Pithei She'arim*).

**Imperforate container – עציץ שאינו נקוב** – A plant grown in an imperforate container does not absorb water or nutrients from the ground. Therefore, biblical laws of *terumat* and tithes do not apply to such a plant. The Torah's laws in this area apply only to grains growing in the ground. However, in the case of a perforated pot, the roots of a plant it holds draw nutrients from the earth through the holes, connecting the plant to the ground. The Sages decreed that plants grown in imperforate containers are included by rabbinic law within the *halakhot* of *teruma* and tithes due to their similarity to plants grown in perforated pots.

HALAKHA

**One whom a snake bit – מי שנשכו נחש** – If someone is bitten by a snake, it is treated as a mortal wound even when it is uncertain whether or not the snake is deadly. Even if there are no expert doctors present and the ill person says nothing, everything that would usually be done on a weekday to heal him must be done for him on Shabbat (*Shulhan Arukh, Orah Hayyim 328:6*).

אֶפְשָׁר בְּחֻלְיִין פְּשִׁיטָא! לֹא צְרִיכָא בִּשְׁבֵתָא.

It was stated that, according to Rabba, if it is possible to make the untithed produce fit and then feed him with non-sacred food, one should do so. The Gemara is surprised at this: It is obvious that if it is possible to tithe the produce and feed him that, one should do so. Why must it be stated? The Gemara explains: No, it is necessary to state this with regard to a case on Shabbat, when it is generally prohibited to separate *terumot* and tithes. Even so, the Sages said that it is better to separate *terumot* and tithes on Shabbat rather than feed the ill person untithed produce.

בִּשְׁבֵתָא נִמְי פְּשִׁיטָא, טֵלְטוּל מְדַרְבָּנָן הוּא! הֲכָא בְּמַאי עֲסָקִינָן – בְּעֲצִיץ שְׂאִינּוּ נְקוּב, דְּרַבְנָן.

The Gemara asks: With regard to Shabbat it is also obvious, since the prohibition against separating *terumot* and tithes is merely a prohibition against moving, which is prohibited by rabbinic law.<sup>N</sup> That is certainly less severe than the prohibition against eating untithed produce. The Gemara answers: With what are we dealing here? We are dealing with fruits grown in an imperforate container,<sup>N</sup> which are not subject to *teruma* by Torah law but by rabbinic law. The Gemara teaches that it is preferable to transgress the rabbinic prohibition of tithing the fruit on Shabbat rather than feed the ill person untithed produce, although in this case the prohibition is rabbinic.

מֶרְסָבֵר: טֵבֵל חֲמוּר, וּמֶרְסָבֵר: תְּרוּמָה חֲמוּרָה.

§ The Gemara now discusses the aforementioned two opinions: One Sage, ben Teima, holds that untithed produce is more severe, and therefore one must tithe the fruit although it is prohibited to separate *teruma* on Shabbat; and one Sage, the first *tanna*, holds that *teruma* is more severe.

לֵימָא תַנְיָא הִיא, דְּתַנְיָא: מִי שְׁנִשְׁכּוּ נַחֲשׁ קוֹרִין לוֹ רופָא מִמְקוֹם לְמִקוֹם, וּמְקַרְעִין לוֹ אֶת הַתְּרַבְּגוּלָתָא, וְגוֹזְזִין לוֹ אֶת הַכְּרִישִׁין, וּמַאֲכִילִין אוֹתוֹ וְאִין צְרִיךְ לַעֲשׂוֹ, דְּבְרֵי רַבִּי. רַבִּי אֶלְעָזָר בְּרַבִּי שְׁמַעוֹן אוֹמֵר: לֹא יֹאכֵל עַד שְׂעִישׂוּר.

Let us say that Rabba's view is one side of a dispute between *tanna'im*, as it was taught in a *baraita*: In the case of one whom a snake bit<sup>H</sup> on Shabbat and who is in danger, one calls a doctor for him to come from one place to another; and one tears a chicken apart for him if he needs its meat for healing; and one harvests leeks from the ground and feeds them to him for healing purposes, and one need not separate tithes; this is the statement of Rabbi Yehuda HaNasi. Rabbi Elazar, son of Rabbi Shimon, says: He should not eat it unless it has been tithed.

נִימָא רַבִּי אֶלְעָזָר בְּרַבִּי שְׁמַעוֹן הִיא, וְלֹא רַבִּי!

Let us say that Rabba's statement that one must separate *teruma* and tithes from the fruit for the ill person on Shabbat, even from untithed produce prohibited by rabbinic law, corresponds to the view of Rabbi Elazar, son of Rabbi Shimon. He says that one must tithe the leeks for the ill person even on Shabbat, although leeks, like all other vegetables, are considered untithed produce only by rabbinic law. And Rabba's opinion does not follow the view of Rabbi Yehuda HaNasi.

He was not seized with *bulmos* – לאו בולמוס אחייה – In this story, Saul had imposed a ban on eating. The people saved Jonathan from being killed by his father for violating this ban only because Jonathan performed a great service for the nation. If *bulmos* had seized him, eating honey to save his life would have superseded this ban (Toledot Yitzhak).

## BACKGROUND

East side of a fig tree – מורקה של תאנה – As opposed to other fruit, figs do not ripen all at once. Instead, they ripen gradually; each day fruit on a different part of the tree might ripen. Since sunlight and warmth hasten the ripening of the fruit, it is common to see more ripe fruit on the eastern side of the tree than on other areas of the tree.

## LANGUAGE

Jugs [*lagei*] – לָגֵי: This is the plural form of *lagina*, from the Latin *lagena* or the Greek *λάγυνος*, *lagynos*, which is a jug made of clay.



Lagynos from the early Roman period

אפילו תימא רבי, עד כאן לא קאמר רבי התם – אלא לענין מעשר ירק דרבנן, אבל במעשר דגן דטבל דאורייתא הוא – אפילו רבי מודה דאי שרית ליה בעציץ שאינו נקוב אתי למיכל בעציץ שהוא נקוב.

The Gemara rejects this: Even if you say that Rabba holds in accordance with the view of Rabbi Yehuda HaNasi, Rabbi Yehuda HaNasi is saying that one should not separate tithes **only there, with regard to the requirement to take the tithe from vegetables, like leeks, which is rabbinic in origin.** This requirement was decreed lest one come to confuse vegetables with produce that is untithed by Torah law. However, with regard to the **tithe of grains, which have the status of untithed produce by Torah law, although in this particular circumstance their untithed status is rabbinic because the grains grew in an imperforate container, even Rabbi Yehuda HaNasi concedes that the produce must be tithed. Because if it is permitted for him to eat without separating tithes from produce grown in an imperforate container, he may err and come to eat from grain grown in a perforated pot, which is considered untithed produce by Torah law. Consequently, one must separate tithes on Shabbat before feeding an ill person, even according to the opinion of Rabbi Yehuda HaNasi.**

תנו רבנן: מי שאחזו בולמוס מאכילין אותו דבש וכל מיני מתיקה, שהדבש וכל מיני מתיקה מאירין מאור עיניו של אדם. ואף על פי שאין ראיה לדבר, וזכר לדבר – ראו נא כי אורו עיני כי טעמתי מעט דבש הזה.

The Sages taught in a *baraita*: In the case of one who is seized with *bulmos*, one feeds him honey and all types of sweet foods, as the honey and all types of sweet foods restore the sight of his eyes. And although there is no clear proof for the matter, there is an allusion to the matter. Jonathan said: “See, I pray you, how my eyes are brightened because I tasted a little of this honey” (1 Samuel 14:29).

ומאי אף על פי שאין ראיה לדבר – דהתם לאו בולמוס אחייה.

The Gemara asks: And why does the *baraita* say: Although there is no clear proof for the matter, when that verse is a strong proof? The Gemara answers: There, Jonathan was not seized with *bulmos*,<sup>n</sup> he was merely very hungry. Therefore, the episode provides no evidence that honey or sweet foods are the remedy for *bulmos*.

אמר אביי: לא שנו אלא לאחר אכילה, אבל קודם אכילה – מגרר גריר, דכתיב: “וימצאו איש מצרי בשדה ויקחו אותו אל דוד ויתנו לו לחם ויאכל וישקהו מים ויתנו לו פלח דבילה ושני צמוקים ויאכל ותשבו רוחו אליו כי לא אכל לחם ולא שתה מים שלשה ימים ושלשה לילות.”

Abaye said: They taught that honey restores a one’s eyesight only after eating other food, but before eating other food it whets one’s appetite, as it is written: “And they found an Egyptian man in the field, and brought him to David, and they gave him bread and he ate, and they gave him water to drink; and they gave him a piece of a cake of figs, and two clusters of raisins, and he ate, and his spirit was restored; for he had eaten no bread nor drunk any water for three days and three nights” (1 Samuel 30:11–12). This indicates that sweets are given after the main course and not before it.

אמר רב נחמן אמר שמואל: מי שאחזו בולמוס מאכילין אותו אליה בדבש. רב הונא בריה דרב יהושע אמר: אף סולת נקיה בדבש. רב פפא אמר: אפילו קמחי דשערי בדיבשא. אמר רבי יוחנן: פעם אחת אחזני בולמוס, ורצתי למורקה של תאנה, וקיימתי בעצמי: “החכמה תחיה בעליה.” דתני רב יוסף: הרוצה לטעום טעם תאנה – יפנה למורחה, שנאמר: “יממגד תבואות שמש.”

Rav Nahman said that Shmuel said: In the case of one who is seized with *bulmos*, one feeds him a sheep’s tail with honey, since the combination of the fatty meat and the honey helps greatly. Rav Huna, son of Rav Yehoshua, said: Also, fine wheat flour with honey is a remedy. Rav Pappa said: Even barley flour with honey is good for curing *bulmos*. Rabbi Yoḥanan said: Once I was seized with *bulmos* and I ran to the east side of a fig tree<sup>b</sup> and found ripe figs there, which I ate. Figs on a tree do not all ripen at once but ripen first on the side where the sun rises, so Rabbi Yoḥanan searched first for figs on the east side of the tree. And I thereby fulfilled the verse: “Wisdom preserves the lives of those who have it” (Ecclesiastes 7:12). As Rav Yosef taught: One who wishes to taste the flavor of the fig should turn to the east, as it is stated: “And for the precious things of the sun’s fruits” (Deuteronomy 33:14), implying that the sun ripens fruit and makes them sweet.

רבי יהודה ורבי יוסי הוו קא אולי באורחא, אחייה בולמוס לרבי יהודה – קפחיה לרועה, אכליה לרופתא. אמר ליה רבי יוסי: קפחת את הרועה! כי מטו למתא אחייה בולמוס לרבי יוסי, אהדרוהו בלגי וצעי. אמר ליה רבי יהודה: אני קפחתי את הרועה ואתה קפחת את העיר כולה.

The Gemara relates that Rabbi Yehuda and Rabbi Yosei were walking on the road when Rabbi Yehuda was seized with *bulmos*. He overpowered a nearby shepherd and ate the bread that the shepherd had in his hand, since his life was in danger. Rabbi Yosei said to him: You have robbed that shepherd. When they reached the city, Rabbi Yosei was seized with *bulmos*, and all the people of the city surrounded him with jugs [*lagei*]<sup>l</sup> and plates with all sorts of sweets. Rabbi Yehuda said to him in jest: I robbed only the shepherd, but you have robbed the entire city.

ותו רבי מאיר ורבי יהודה ורבי יוסי הוּ  
 קא אָזלי באורחא. רבי מאיר הוּה דייק  
 בשמא רבי יהודה ורבי יוסי לא הוּ דייקו  
 בשמא. כי מטו להווא דוכתא בעו  
 אושפיוא, יהבו להו. אמרו לו: מה שמך?  
 אמר להו: כידור. אמר: שמע מינה אדם  
 רשע הוא, שנאמר: "כי דור תהפוכות  
 המה". רבי יהודה ורבי יוסי אשלימו  
 ליה כיסיהו רבי מאיר לא אשלים ליה  
 כיסיה. אול אותביה בי קיבריה דאבוה.

אתחזי ליה בחלמיה: תא שקיל ביסא  
 דמנח ארישא דההוא גברא. למחר אמר  
 להו: הכי אתחזי לי בחלמאי! אמרי ליה:  
 חלמא דבי שמי לית בהו ממשא. אול  
 רבי מאיר, ונטריה כולי יומא ואיתיה.

למחר אמרו לו: הב לן כיסין! אמר להו:  
 לא היו דברים מעולם. אמר להו רבי  
 מאיר: אמאי לא דייקיתו בשמא? אמרו  
 ליה: אמאי לא אמרת לן מר? אמר להו:  
 אימר דאמרי אנא חששא, אחזוקי מי  
 אמרי?

משכּוּהו ועיילוהו לחנותא, חזו טלפחי  
 אשפמיה, אולו ויהבו סימנא לדביתהו,  
 ושקלוהו לכיסיהו ואיתו. אול איהו  
 וקטליה לאיתתיה.

היינו (דתנן): מים ראשונים האכילו בשר  
 חזיר, מים אחרונים הרגו את הנפש.

ולבסוף הוּ דייקי בשמא. כי מטו להווא  
 ביתא דשמיה בלה – לא עיילו לגביה.  
 אמרי: שמע מינה רשע הוא, דכתיב:  
 "ואמר לבלה נאופים" (כמו: "אחרי  
 בלותי היתה לי עדנה", בלומר: זקנה  
 בנאופים).

And furthermore, it is told: Rabbi Meir and Rabbi Yehuda and Rabbi Yosei were walking on the road together. Rabbi Meir would analyze names and discern one's nature from his name,<sup>n</sup> while Rabbi Yehuda and Rabbi Yosei were not apt to analyze names. When they came to a certain place, they looked for lodging and were given it. They said to the innkeeper: What is your name? He said to them: My name is Kidor. Rabbi Meir said to himself: Perhaps one can learn from this that he is a wicked person, as it is stated: "For they are a generation [*ki dor*] of upheavals" (Deuteronomy 32:20). Since it was Friday afternoon, Rabbi Yehuda and Rabbi Yosei entrusted their purses to him. Rabbi Meir did not entrust his purse to him but went and placed it at the grave of the innkeeper's father.

The innkeeper's father appeared to the innkeeper in a dream and said to him: Go take the purse placed at the head of that man, i.e., the innkeeper's father. The following day, he said to the Sages: This is what appeared to me in my dream. They said to him: Dreams during twilight on Shabbat evening have no substance and should not be trusted. Even so, Rabbi Meir went and guarded his money all that day and then took it.

The next day, the rabbis said to the innkeeper: Give us our purses. He said to them: These matters never occurred; you never gave me any purses. Rabbi Meir said to them: Why didn't you analyze his name to learn that he is a wicked man? They said to him: Why didn't the Master tell us? He said to them: I said one should be suspicious, but have I said a person should be established as wicked? Could I say to you with certainty that he is wicked based on his name alone?

What did they do? They dragged the innkeeper and brought him to a store and gave him wine to drink. After he drank the wine, they saw lentils on his mustache, showing that he had eaten lentils that day. They went and gave this sign to his wife. They said that the innkeeper had ordered that their money be returned to them upon the sign that he ate lentils at his last meal. And they took their purses and went. He went and killed his wife out of anger that she did this.

This is as we learned in a *baraita*: Due to a person's laxity in the first washing,<sup>n</sup> they fed him pork. There was an innkeeper who was accustomed to feed pork to gentiles and kosher meat to Jews. He distinguished between Jews and gentiles by watching to see whether they performed the ritual hand-washing before eating. One time, a Jew came and ate without washing his hands before the meal, and the innkeeper gave him pork to eat. Laxity in the final washing, the washing of one's hands and mouth after a meal, caused the innkeeper to kill the person. This is similar to that story, as had the wicked innkeeper washed his mouth, the rabbis would not have known that he had eaten lentils.

And in the end, they too, Rabbi Yehuda and Rabbi Yosei, would analyze names. When they came to a house of a landlord named Bala, they did not enter. They said: Conclude from here that he is certainly wicked, as it is written: "I said of her who was worn out [*bala*] by adulteries" (Ezekiel 23:43), as it states: "After I am grown old [*beloti*] shall I have pleasure?" (Genesis 18:12). "Worn out by adulteries" means aged through adulteries.

NOTES

A name determines character – שְׁמָא גְרִים: This does not mean that everyone with an ugly name is evil, since there are certainly exceptions to the rule. Nevertheless, there is reason to be concerned with respect to names, particularly when one is on a journey and does not know the

people he encounters. The Sages have said that although parents have their own reasons for giving a baby a specific name, they are unknowingly directed toward a true and appropriate name for their child (*Tosefet Yom HaKippurim*; Maharsha).

First washing – מִים ראשונים: The main point here is explained in tractate *Hullin*, where the story is recounted at length. It seems that this episode took place during a time of religious persecution, when the Jews could not express their desire for kosher meat. Therefore, the innkeeper relied on signs.

**Mad dog – כְּלָב שׁוֹטָה**: A mad dog may reach a state of partial paralysis, which is why it displays the symptoms mentioned by the Sages: Its tail is tucked between its legs, its tongue hangs out of its mouth, and it drools. This partial paralysis also affects the dog's vocal cords, which leads to a drastic change in the sound of its barking to the point where it can no longer bark audibly.

LANGUAGE

**Kelirus** – קְלִירוּס: Possibly from the Greek κλήρος, klēros, meaning destiny or lottery.

NOTES

**Copper tube – בְּגִבְתָּא דְנִחְשָׂא**: One approach suggests that since one of the effects of this sickness is that the ill person cannot abide the sight of water, he must drink it through a tube so he will not see what he is drinking (Arukh).

מִי שֶׁנִּשְׁכַּח בְּלֶב שׁוֹטָה וְכוּ'. תַּנּוּ רַבָּנֵי: חֲמִשָּׁה דְבָרִים נֶאֱמָרוּ בְּכָלֵב שׁוֹטָה: פִּי פְתוּחַ וְרִירוֹ נוֹטֶף, וְאָזְנוֹ סְרוּחֹת, וְזָנְבוֹ מוֹנַח עַל יְרֵכּוֹתָיו וּמְהֵלֵךְ בְּצִדָּיו דְרָכִים וְיֵשׁ אוֹמְרִים אִף נוֹבַח וְאִין קוֹלוֹ נִשְׁמָע, מִמָּאִי הוּי? רַב אָמַר: נְשִׂים בְּשִׁפְנוֹת מִשְׁחָקוֹת בּוֹ, וְשְׂמוּאֵל אָמַר: רוּחַ רָעָה שׁוֹרָה עָלָיו.

It was taught that in the case of one whom a mad dog<sup>b</sup> bit, one does not feed him the lobe of its liver. The Gemara clarifies the concept of the mad dog. **The Sages taught in a baraita: Five signs were said about a mad dog: Its mouth is always open; and its saliva drips; and its ears are floppy and do not stand up; and its tail rests on its legs; and it walks on the edges of roads. And some say it also barks and its voice is not heard.** The Gemara asks: **From where did the dog become mad? Rav said: Witches play with it and practice their magic on it, causing it to become mad. And Shmuel said: An evil spirit rests upon it.**

מִאִי בִינְיָהוּ? אִיכָּא בִינְיָהוּ,

The Gemara asks: **What is the practical difference between these two opinions?** The Gemara answers: **There is a practical difference between them with regard to**

Perek VIII

Daf 84 Amud a

לְמַקְטִילֶיהָ בְּדָבָר הַנּוֹרֵק.

**killing it with an object that is thrown from a distance like an arrow rather than with one's hands.** If the dog is possessed by an evil spirit, one should avoid direct contact with it.

תַּנּוּ מִכּוּוֹתֶיהָ דְשְׂמוּאֵל: בְּשֶׁהוֹרְגִין אוֹתוֹ אִין הוֹרְגִין אוֹתוֹ אֶלָּא בְּדָבָר הַנּוֹרֵק. דְחִיף בֵּיהּ – מִסְתַּבֵּן, דְנִבְתִּית לִיהּ – מִיִּית. דְחִיף בֵּיהּ מִסְתַּבֵּן, מִאִי תַקְנִיתֶיהָ? נִשְׁלַח מְאִיָּה וְנִירְהִיט. רַב הוּנָא בְרִיהּ דְרַב יְהוֹשֻׁעַ חָף בֵּיהּ חַד מִיִּנְיָהוּ בְּשׁוּקָא, שְׁלַחֲנִיהוּ לְמֵאִיָּה וְרַהֲיט. אָמַר: קִימִיתִי בְּעַצְמִי "הַחֲכֵמָה תַחֲפֶיהָ בְּעָלֶיהָ".

The Gemara comments: **This was taught in a baraita in accordance with the opinion of Shmuel: When one kills a mad dog, he should kill it only with a thrown object.** Furthermore, **one who is rubbed by mad dog will become dangerously ill, while one bitten by the dog will die.** The Gemara asks: **What is the remedy for one who is rubbed by mad dog and becomes dangerously ill?** The Gemara answers: **Let him take off his clothing and run.** The Gemara relates: **Rav Huna, son of Rav Yehoshua, was rubbed by one of these mad dogs in the market, whereupon he took off his clothing and ran. He said: I have fulfilled the verse: "Wisdom preserves the lives of those who have it" (Ecclesiastes 7:12).**

דְנִבְתִּית לִיהּ מִיִּית, מִאִי תַקְנִיתֶיהָ? אָמַר אַבְיִ: נִיתִי מִשְׁכָּא דְאָפָא דְדִיכְרָא, וְנִכְתוּב עָלֶיהָ: אֶנָּא פְלִנְיָא בְרַ פְלִנְיָתָא אֲמִשְׁכָּא דְאָפָא דִיכְרָא כְּתִיבְנָא עֲלֵךְ בְּנִתִי בְנִתִי קְלִירוּס. וְאָמְרִי לָהּ: קְנִדִי קְנִדִי קְלִירוּס יְהִי יְהִי ד' צְבֹאוֹת, אָמֵן אָמֵן סְלָה. וְנִשְׁלַחֲנִיהוּ לְמֵאִיָּה וְלִקְבְּרִינְהוּ בִי קְבָרִי עַד תְּרִיסֵר יְרַחֵי שְׁתָּא, וְנִפְקִינְהוּ וְנִקְלִינְהוּ בְּתַנּוּרָא, וְנִבְדְרִינְהוּ לְקִטְמִיָּה אֲפְרִשֵׁת דְרָכִים, וְהִנֵּן תְּרִיסֵר יְרַחֵי שְׁתָּא, כִּי שְׁתֵּי מֵאִי – לֹא לִישׁוּתִי אֶלָּא בְּגוּבְתָא דְנִחְשָׂא, דִּילְמָא חָזִי בְּבוּאָה דְשִׂידָא וְלִיסְתַּבֵּן. כִּי הָא דְאָבָא בְרַ מְרְתָא, הוּא אָבָא בְרַ מְנוּמִי, עָבְדָא לִיהּ אִימִיָּה גוּבְתָא דְדִהָבָא:

The Gemara continues to discuss the *baraita*: **One bitten by a mad dog will die.**<sup>b</sup> The Gemara asks: **What is the remedy?** Abaye said: **Let him bring the skin of a male hyena and write on it: I, so-and-so, son of so-and-so, am writing this spell about you upon the skin of a male hyena: Kanti kanti kelirus.**<sup>l</sup> **And some say he should write: Kandi kandi keloros.**<sup>l</sup> **And some say he should write: Kandi kandi keloros.** He then writes names of God, *Yah, Yah, Lord of Hosts, amen amen Selah.* **And let him take off his clothes and bury them in a cemetery for twelve months of the year, after which he should take them out, and burn them in an oven, and scatter the ashes at a crossroads. And during those twelve months of the year, when his clothes are buried, when he drinks water, let him drink only from a copper tube<sup>n</sup> and not from a spring, lest he see the image of the demon in the water and be endangered, like the case of Abba bar Marta, who is also called Abba bar Manyumi, whose mother made him a gold tube for this purpose.**

BACKGROUND

**Rabies in humans – כְּלָבָת בְּאָדָם**: Untreated rabies in humans is fatal in the vast majority of cases. One of the symptoms of the disease is a painful constricting of the throat muscles when the ill person tries to swallow anything. Apparently, due to

the associative connection with drinking, the mere sight of water causes this physical response. This is why the ancients referred to this disease as hydrophobia, meaning fear of water.

LANGUAGE

Tzefidna – צִפִּידְנָא: Some authorities maintain that the origin of this word is the Greek σπεδών, *sepedon*, meaning rot. Others suggest its origin is in the Semitic root *tzfd*, meaning shrinkage.

Matron [matronita] – מַטְרוֹנִיתָא: From the Latin *matrona*, meaning woman, with the Aramaic feminine suffix *-ita*.

BACKGROUND

Tzefidna – צִפִּידְנָא: From the descriptions in the Talmud, it seems that this is referring to the disease scurvy, which is caused by vitamin C deficiency. The symptoms of the disease include teeth loosening and falling out, internal bleeding, and anemia. The treatments described in the Talmud are various attempts to fill this vitamin C deficiency in a concentrated form.

NOTES

What shall I do on Shabbat – בְּשַׁבַּת מַאי: Rabbi Yohanan was apparently busy on Shabbat with his lectures and lessons and could not visit the woman. He therefore asked what he should do on Shabbat (*Siah Yitzhak*).

A vow to a gentile – שְׁבוּעָה לְגוֹי: A vow to a gentile such as the matron in this episode is as valid as any other vow, and it is prohibited to break it. However, a vow made under duress is not binding. It was that clause which Rabbi Yohanan took advantage of in tricking the healer. Furthermore, the Gemara explains that he did not truly break his vow because he never really vowed to keep silent about the remedy in the first place. Consequently, he did not desecrate God's name, which would have been the case had he broken his vow. This is especially true because he was an important person (see *Me'iri*).

“וְעוֹד אָמַר רַבִּי מַתְיָא.” רַבִּי יוֹחָנָן חָשׁ בְּצִפִּידְנָא, אֲוֹל גְּבִיחָא דְהֵיִיא מַטְרוֹנִיתָא, עֲבָדָא לִיהּ מִלְתָּא חֲמִשָּׁא וּמַעְלֵי שַׁבְּתָא. אָמַר לָהּ: בְּשַׁבַּת מַאי? אָמְרָה לִיהּ: לֹא צְרִיכָת. אִי מְצַטְרִיכְנָא מַאי? אָמְרָה לִיהּ: אִישְׁתַּבַּע לִי דְלָא מְגַלִּית. אִישְׁתַּבַּע: לֹא לְאֵלֶּהָ דִּישְׂרָאֵל לֹא מְגַלִּינָא. נִפְק דְרִשָּׁה בְּפִירְקָא.

וְהָא אִישְׁתַּבַּע לָהּ! לֹא לְאֵלֶּהָ דִּישְׂרָאֵל לֹא מְגַלִּינָא. הָא לְעַמּוֹ יִשְׂרָאֵל מְגַלִּינָא. וְהָא אִיבָא חֲלוּל הַשֵּׁם! דְּמַגְלִי לָהּ מַעֲיָקָא.

מַאי עֲבָדָא לִיהּ? אָמַר רַב אֲחָא בְרִיהּ דְרַב אֲמִי: מִי שְׂאוֹר, שְׂמֵן זֵית, וּמִלַּח. רַב יֵימָר אָמַר: שְׂאוֹר גּוֹפִיָּה, שְׂמֵן זֵית, וּמִלַּח. רַב אֲשִׁי אָמַר: מִשְׁחָא דְגַדְפָּא דְאוּוּזָא. אָמַר אֲבִינִי: אֲנָא עֲבָדִי לְכוּלְהוּ, וְלֹא אִישְׁתַּפְּסִי, עַד דְאָמַר לִי הֵהוּא טִייעָא: אִישְׁתִּי קִשְׁיִיתָא דְזֵיתָא דְלֹא מְלוּ תִילְתָא וְקִלְיָהּ בְּנוּרָא אָמְרָא חֲדָתָא, וְאֲדַבֵּיק בְּכַף דְרִיָּה. עֲבָדִי הָכִי וְאִישְׁתַּפְּסִי.

מִמַּאי הוּדָה? מִחֲמִימִי חֲמִימִי דְחִישֵׁי וּמִשְׁוִירֵי כְּפָא דְהֶרְסָנָא. וּמַאי סִימְנִיָּה? כַּד רָמִי מִיָּדִי בְּכִבְיָהּ וְאֲתָא דְמָא מִבֵּי דְרִי. רַבִּי יוֹחָנָן כִּי חָשׁ בְּצִפִּידְנָא עֲבָד הָכִי בְּשַׁבְּתָא, וְאִישְׁתַּפְּסִי. וְרַבִּי יוֹחָנָן הֵיכִי עֲבָד הָכִי? אָמַר רַב נַחֲמָן בַּר יִצְחָק: שְׂאֵנִי צִפִּידְנָא, הוֹאִיל וּמִתְחִיל בְּפִהּ וְגוֹמֵר בְּבִנֵי מַעֲיָם.

אָמַר לִיהּ רַב חֲיַיָּא בַר אֲבָא לְרַבִּי יוֹחָנָן: כְּמָאן – כְּרַבִּי מַתְיָא בֶן חֲרָשׁ, דְאָמַר: הַחוּשׁ שׁ בְּפִי מְטִילִין לוֹ סַם בְּשַׁבְּתָא? אָמַר לִיהּ: שְׂאֵנִי אוֹמֵר: בּוֹז, וְלֹא בְּאַחֲרֵת.

§ The mishna said: **And furthermore, Rabbi Matya ben Harash said:** With regard to one who suffers pain in his throat, one may place medicine inside his mouth on Shabbat, although administering a remedy is prohibited on Shabbat. The Gemara discusses a related incident: **Rabbi Yohanan suffered from the illness *tzefidna*,**<sup>1b</sup> which first affects the teeth and gums and then the intestines. **He went to a certain gentile matron [matronita]<sup>1</sup> who was a well-known healer. She prepared a medicine for him on Thursday and Friday. He said to her: What shall I do on Shabbat,**<sup>N</sup> when I cannot come to collect the medicine from you? **She said to him: You will not need it.** He asked her: **If I do need it, what shall I do?** **She said to him: Swear to me that you will not reveal the remedy;** then I will tell you, and you can prepare it yourself should you need it. **He swore: To the God of the Jews, I will not reveal it.** She told him the remedy. Rabbi Yohanan then **went out and taught it publicly,** revealing the secret of the remedy.

The Gemara is surprised at this: **But he swore to her** that he would not reveal it. The Gemara answers that in his vow he declared: **I will not reveal it to the God of the Jews.** However, his words imply: **I will reveal it to His people, the Jews.** The Gemara asks: **Still, there is a desecration of God's name,** as the matron now thinks that a great man of Rabbi Yohanan's stature broke his vow.<sup>N</sup> The Gemara answers: **He revealed it to her at the outset.** As soon as she revealed the remedy to him, he told her that his vow would not prevent him from publicizing the remedy.

The Gemara asks: **What was the medicine that she prepared for him?** Rav Aḥa, son of Rav Ami, said: It was water in which leaven was steeped, olive oil, and salt. Rav Yeimar said: It was leaven itself, olive oil, and salt. Rav Ashi said: The remedy was fat from the bone marrow of a goose's wing. **Abaye said: I made all of these medicines and was not cured from this ailment, until a certain Arab told me the remedy for it: Take olive seeds that are less than one-third ripe, and burn them in a fire on top of a new hoe, and stick them along the row of gums. I did this and was cured.**

§ The Gemara asks: **From where does this disease *tzefidna* come?** It is from eating wheat bread that is too hot and fish remains fried in oil. **What is the sign of this sickness?** **When one puts something between his teeth, blood comes out from his gums. When Rabbi Yohanan suffered from *tzefidna*, he prepared this medicine described above on Shabbat and was cured.** The Gemara asks: **And how did Rabbi Yohanan prepare this medicine on Shabbat for an ailment which affects only the gums but is not life-threatening?** Rav Nahman bar Yitzhak said: ***Tzefidna* is different, since it does indeed begin in the mouth and appears to be an illness of the teeth, but it ends up in the intestines and is dangerous.**<sup>H</sup>

Rav Hiyya bar Abba said to Rabbi Yohanan: **In accordance with whose opinion did he do this?** Was it not in accordance with the opinion of Rabbi Matya ben Harash, who said: **In the case of one who suffers pain in his mouth, one puts medicine in his mouth on Shabbat,** which is a minority opinion? **Rabbi Yohanan said to him: It is so, but I say the Sages agreed with him about taking medicine in this case alone, but no other.** If so, with regard to medicine on Shabbat, the view of Rabbi Matya ben Harash is not a minority opinion.

HALAKHA

An illness that may be healed on Shabbat – מַחֲלָה שְׂאֵפְסָר – Shabbat, including any injury, wound, or abscess of the teeth, but not merely a toothache (*Shulḥan Arukh, Oraḥ Ḥayyim* 328:3). לְרַפָּא בְּשַׁבְּתָא: Any potentially fatal injury may be healed on



**Yerakon** – ירקון: *Yerakon* seems to refer to hepatitis. The Rabbis maintained that the suggestion of Rabbi Matya ben Harash was only an untested, auspicious practice, not a true remedy. Consequently, they did not allow it on Shabbat.

**One feeds him the lobe of its liver** – מחציר אותו מִחֶצֶר: Some commentaries see this as akin to the modern healing method of using serums of animals that were injected with rabies.

**Bloodletting** – מִקְיוֹן דָּם: Bloodletting was a standard medical practice throughout the ancient world. The letting of small quantities of blood was considered an effective way to cure illness.



Bloodletting depicted on an ancient Greek urn

## LANGUAGE

**Serunkhi** – סְרוּנְכִי: This apparently refers to diphtheria, as it seems to be derived from an Aramaic word meaning strangling. In cases of diphtheria, the saliva that fills the ill person's throat can lead to suffocation.

לִימָא מְסִיעָא לִיהּ: מִי שְׂאֲחֹזוּ יִרְקוֹן – מֵאֲכִילִין אוֹתוֹ בִּישׁוּר חֲמוֹר, מִי שְׂנָשְׁכוּ כְּלָב שׁוּטָה – מֵאֲכִילִין אוֹתוֹ מִחֶצֶר כְּבֵד שְׁלוֹ, וְהַחֹשֶׁשׁ בְּפִיו – מִטְּוִילִין לוֹ סָם בְּשַׁבָּת, דְּבִרֵי רַבִּי מַתְיָא בֶן חֲרָשׁ, וְחֲכָמִים אוֹמְרִים: בְּאִילוֹ אֵין בְּהֶם מְשׁוּם רְפוּאָה. בְּאִילוֹ לְמַעוּטֵי מַאי – מַאי לָאו לְמַעוּטֵי סָם?

לֹא, לְמַעוּטֵי מְקִיזִין דָּם לְסְרוּנְכִי. הֲכִי נִמְי מְסַתְבְּרָא, דְּתַנְיָא: שְׁלֹשָׁה דְּבָרִים אָמַר רַבִּי יִשְׁמַעֵאל בְּרַבִּי יוֹסִי שְׂשֻׁמַּע מְשׁוּם רַבִּי מַתְיָא בֶן חֲרָשׁ: מְקִיזִין דָּם לְסְרוּנְכִי בְּשַׁבָּת, וּמִי שְׂנָשְׁכוּ כְּלָב שׁוּטָה מֵאֲכִילִין אוֹתוֹ מִחֶצֶר כְּבֵד שְׁלוֹ, וְהַחֹשֶׁשׁ בְּפִיו מִטְּוִילִין לוֹ סָם בְּשַׁבָּת.

וְחֲכָמִים אוֹמְרִים: בְּאִילוֹ אֵין בְּהֶם מְשׁוּם רְפוּאָה. בְּאִילוֹ לְמַעוּטֵי מַאי – מַאי לָאו אֲתַרְתִּי בְּתַרְיִיתָא, וְלְמַעוּטֵי דְרִישָׁא? לֹא, אֲתַרְתִּי דְרִישָׁא קַמִּיתָא, וְלְמַעוּטֵי דְסִיפָא.

Let us say that this *baraita* supports him: With regard to one who is seized with *yerakon*,<sup>8</sup> one feeds him donkey meat as medicine; with regard to one whom a mad dog bit, one feeds him the lobe of its liver;<sup>9</sup> in the case of one who has pain in his mouth, one puts medicine in his mouth on Shabbat; this is the statement of Rabbi Matya ben Harash. And the Rabbis say: These have no value as a remedy. The Rabbis used the term these, to exclude what? What, is it not to exclude this medicine for *tzefidna*, which the Rabbis agree is permitted on Shabbat?

The Gemara rejects this: No, it excludes a different remedy, which Rabbi Matya suggests: Bloodletting<sup>8</sup> to heal the ailment *serunkhi*<sup>9</sup> is permitted on Shabbat. The Gemara comments: So too, this is reasonable to say, as it was taught in a *baraita*: Rabbi Yishmael, son of Rabbi Yosei, said three things that he heard in the name of Rabbi Matya ben Harash: One may let blood for *serunkhi* on Shabbat; and in the case of one whom a mad dog bit, one feeds him the lobe of its liver; and in the case of one who has pain in his mouth, one puts medicine in his mouth on Shabbat.

And the Rabbis say: These have no value as a remedy. The Rabbis used the term these to exclude what? What, is it not to limit their argument only to the latter two items, which do not cure anything, and to exclude the first item, bloodletting for *serunkhi*, which everyone agrees is an effective remedy? The Gemara rejects this: No, there is no proof from here, since it is possible to say that it is referring to the first two items of the first *baraita* and excludes the latter clause with regard to medicine on Shabbat, which they agree with.

## Perek VIII

## Daf 84 Amud b

תָּא שְׂמַע, דְּתַנִּי רַבָּה בַר שְׁמוּאֵל: עוֹבְרָה שְׁהִרְיָחָה – מֵאֲכִילִין אוֹתָהּ עַד שֶׁתִּשׁוּב נַפְשָׁהּ, וּמִי שְׂנָשְׁכוּ כְּלָב שׁוּטָה – מֵאֲכִילִין אוֹתוֹ מִחֶצֶר כְּבֵד שְׁלוֹ, וְהַחֹשֶׁשׁ בְּפִיו – מִטְּוִילִין לוֹ סָם בְּשַׁבָּת, דְּבִרֵי רַבִּי אֶלְעָזָר בְּרַבִּי יוֹסִי שְׂאֲמַר מְשׁוּם רַבִּי מַתְיָא בֶן חֲרָשׁ. וְחֲכָמִים אוֹמְרִים: בּוֹז וְלֹא בְּאַחֲרֵת. בּוֹז אֲהֵיִיא? אֵילִימָא אַעוֹבְרָה – פְּשִׁיטָא! עוֹבְרָה מִי אֵיבָא לְמַאן דְּאָמַר דְּלֹא? אֶלָּא לָאו – אֶסַּם, שְׂמַע מִינָהּ.

רַב אֲשִׁי אָמַר: מִתְּנִיתִין נִמְי דִּיקָא "וְעוֹד אָמַר רַבִּי מַתְיָא בֶן חֲרָשׁ הַחֹשֶׁשׁ בְּפִיו מִטְּוִילִין לוֹ סָם בְּשַׁבָּת" וְלֹא פְּלִיגִי רַבְּנָן עֲלֶיהָ. וְאִם אֵיתָא דְּפְלִיגִי רַבְּנָן עֲלֶיהָ – לִיעֲרַבְנֵיהּ וְלִיתְנִינְהּ, וְלִפְלִגִי רַבְּנָן בְּסִיפָא – שְׂמַע מִינָהּ.

Come and hear a proof for the matter, as Rabba bar Shmuel taught in the following *baraita*: With regard to a pregnant woman who smells and craves food, one feeds her until she is satisfied, even on Yom Kippur; and in the case of one whom a mad dog bit, one feeds him from the lobe of its liver; and in the case of one who has pain in his mouth, one places medicine in his mouth on Shabbat; this is the statement of Rabbi Elazar, son of Rabbi Yosei, who said it in the name of Rabbi Matya ben Harash. And the Rabbis say: In this case and no other. The Gemara clarifies: To which case is this one referring? If we say they said this about a pregnant woman, it is obvious; is there anyone who says one should not give a pregnant woman food? Rather, is it not referring to the *halakha* pertaining to medicine on Shabbat, which they agree is permitted? Learn from this that the Rabbis did not disagree about this.

Rav Ashi said: The wording of the mishna is also precise in accordance with this approach, as it was taught in the mishna: And furthermore, Rabbi Matya ben Harash said: In the case of one who suffers pain in his mouth, one places medicine in his mouth on Shabbat, and the Rabbis do not disagree with him and say otherwise. And if it is so that the Rabbis disagree with him, then let the mishna combine the two *halakhot* and teach them together, and let the Rabbis disagree with both points in the latter clause. Since the mishna was not written this way, but instead the dispute of the Rabbis appears after Rabbi Matya's statement about the mad dog, learn from here that the Rabbis did not disagree with him about the *halakha* with regard to medicine.

Let us wait and perform this labor for him after Shabbat, perhaps he will get well – יבִּיטֵן לוֹ שְׂמָא יִבְרִיא – The commentaries have explained this according to Rashi: One does not delay treatment, even if it seems that the ill person's condition is improving, unless he is certainly healthy. If any uncertainty remains, one does not wait for the matter to become clear.

These acts should not be performed by gentiles – אֵין עוֹשִׂין דְּבָרִים הִלְלוּ לֹא עַל יְדֵי גוֹיִם: Commentaries have given various reasons for this. The main reason is that it should be done immediately by those present, before the ill person's condition deteriorates, rather than waiting for a gentile to arrive. Authorities debate whether gentiles should perform the treatment if they are already present (*Tosefot Rid; Me'iri*).

The greatest of [gedolei] the Jewish people – גְּדוּלֵי יִשְׂרָאֵל: Alternative versions of the text suggest that this is referring to adults [gedolim] rather than scholars. Another approach argues that it is a mitzva for the greatest scholars to act because they are meticulous in observance of Shabbat and in saving lives (Rambam).

Based on the advice of women – עַל פִּי נְשִׁים: One explanation suggests that women might err in the future and compare one situation to another to reach a halakhic conclusion, leading to desecration of Shabbat in situations that are not emergencies. Another explanation is that there may be a concern that once a woman has received a stringent ruling in this matter, in the future she may not act correctly and a life will be put at risk (*Me'iri; Rosh*). Alternatively, perhaps there is concern that they will become lax in their general Shabbat observance.

Although he catches fish – דְּקָא צִיד בְּוֵרִי: Some commentaries write that he is not liable even if he intends to catch fish during his rescue. Since he is occupied with saving a life, he is not held accountable for any prohibited labors that he performs (see *Me'iri*).

”מִפְּנֵי שְׂפֵפֶק נַפְשׁוֹת הוּא” וכו'. לְמַה לִּי תוֹ  
לְמִימְרוּ וְכָל סֵפֶק נַפְשׁוֹת דּוֹחָה אֶת הַשַּׁבָּת?  
אָמַר רַב יְהוּדָה אָמַר רַב: לֹא סֵפֶק שַׁבָּת  
זוֹ בְּלִבְדָּא אָמְרוּ, אֲלֵא אִפְּלוּ סֵפֶק שַׁבָּת  
אֲחֵרָת.

הֵיכִי דְמִי? בְּגוֹן דְּאִמְדוּדָה לְתַמְנִיָּא יוֹמֵי,  
וְיוֹמָא קָמָא שַׁבָּתָא. מַהוּ דְתִימָא: לִיעֵבֵב  
עַד לְאוֹרְתָא כִּי הֵיכִי דְלֵא נִחְוֹל עֲלֵיהּ תִּרִי  
שַׁבָּתָא, קָא מְשַׁמְעֵ לָן.

תִּנְיָא נְמִי הֵכִי: מְחַמֵּין חַמֵּין לְחוּלָה בְּשַׁבָּת  
בֵּין לְהַשְׁקוּתוֹ בֵּין לְהַבְרוּתוֹ. וְלֹא שַׁבָּת  
זוֹ בְּלִבְדָּא אָמְרוּ אֲלֵא לְשַׁבָּת אֲחֵרָת. וְאֵין  
אוֹמְרִים: נְמַתִּין לוֹ שְׂמָא יִבְרִיא, אֲלֵא  
מְחַמֵּין לוֹ מִיָּד, מִפְּנֵי שְׂפֵפֶק נַפְשׁוֹת דּוֹחָה  
אֶת הַשַּׁבָּת וְלֹא סֵפֶק שַׁבָּת זוֹ אֲלֵא אִפְּלוּ  
סֵפֶק שַׁבָּת אֲחֵרָת.

וְאֵין עוֹשִׂין דְּבָרִים הִלְלוּ לֹא עַל יְדֵי גוֹיִם  
וְלֹא עַל יְדֵי בּוֹתְיִים, אֲלֵא עַל יְדֵי גְּדוּלֵי  
יִשְׂרָאֵל. וְאֵין אוֹמְרִין יַעֲשׂוּ דְבָרִים הִלְלוּ  
לֹא עַל פִּי נְשִׁים וְלֹא עַל פִּי בּוֹתְיִים, אֲבָל  
מְצַטְרְפִין לְדַעַת אֲחֵרָת.

תָּנוּ רַבָּנֵי: מִפְּקָחִין פְּקוּחַ נֶפֶשׁ בְּשַׁבָּת וְהוֹרִין  
הָרִי זֶה מְשׁוּבָח, וְאֵין צְרִיךְ לִישׁוֹל רְשׁוֹת  
מִבֵּית דִּין. הָא בִּי צִיד? רָאָה תִּנְיָא שְׁנַפְלָא  
לֵים – פּוֹרֵשׁ מִצּוּדָה וּמַעֲלָהּ. וְהוֹרִין הָרִי זֶה  
מְשׁוּבָח וְאֵין צְרִיךְ לִישׁוֹל רְשׁוֹת מִבֵּית דִּין –  
וְאֵף עַל גַּב דְּקָא צִיד בְּוֵרִי. רָאָה תִּנְיָא  
שְׁנַפְלָא לְבוֹר – עוֹקֵר חוּלְיָא וּמַעֲלָהּ. וְהוֹרִין  
הָרִי זֶה מְשׁוּבָח וְאֵין צְרִיךְ לִישׁוֹל רְשׁוֹת  
מִבֵּית דִּין – אֵף עַל גַּב דְּמַתְקֵן דְּרָגָא.

§ The mishna states that one with pain in his throat should be given medicine on Shabbat because it is a case of uncertainty concerning a life-threatening situation. The Gemara asks: Why do I need to say furthermore: And any case of uncertainty concerning a life-threatening situation overrides Shabbat? Rav Yehuda said that Rav said: They stated this not only in a case where there is uncertainty with regard to this Shabbat,<sup>h</sup> but even if the uncertainty is with regard to a different future Shabbat.

What are the circumstances in which uncertainty would arise as to whether or not his life will be in danger in the future? They are a case where doctors assess that an ill person needs a certain treatment for eight days, and the first day of his illness is Shabbat. Lest you say: He should wait until evening and begin his treatment after Shabbat so they will not need to desecrate two Shabbatot for his sake, therefore it teaches us that one must immediately desecrate Shabbat for his sake. This is the halakha, despite the fact that an additional Shabbat will be desecrated as a result, because there is uncertainty about whether his life is in danger.

That was also taught in a baraita: One heats water for an ill person on Shabbat, whether to give him to drink or to wash him, since it might help him recover. And they did not say it is permitted to desecrate only the current Shabbat for him, but even a different, future Shabbat. And one must not say: Let us wait and perform this labor for him after Shabbat, perhaps he will get well<sup>n</sup> in the meantime. Rather, one heats it for him immediately because any case of uncertainty concerning a life-threatening situation overrides Shabbat. And this is so not only with regard to uncertainty whether his life is in danger on the current Shabbat, but even in a case of uncertainty with regard to danger on a different Shabbat.

And these acts should not be performed by gentiles<sup>nh</sup> or Samaritans but should be done by the greatest of the Jewish people,<sup>n</sup> i.e., their scholars, who know how to act properly. And one does not say: These actions may be performed based on the advice of women<sup>n</sup> or Samaritans, since they are not considered experts able to declare a person ill enough to override Shabbat. However, the opinions of these people do combine with an additional opinion, meaning that if there is a dispute, their opinions may be considered when coming to a decision.

§ The Sages taught in a baraita: One engages in saving a life on Shabbat,<sup>h</sup> and one who is vigilant to do so is praiseworthy. And one need not take permission from a court but hurries to act on his own. How so? If one sees a child who fell into the sea, he spreads a fisherman's net and raises him from the water. And one who is vigilant and acts quickly is praiseworthy, and one need not seek permission from a court, although in doing so he catches fish<sup>n</sup> in the net as well. Similarly, if one sees a child fall into a pit and the child cannot get out, he digs part of the ground out around the edge of the pit to create a makeshift step and raises him out. And one who is vigilant and acts quickly is praiseworthy, and one need not seek permission from a court, although in doing so he fashions a step.

#### HALAKHA

לא ספק – Not only uncertainty with regard to this Shabbat – שַׁבָּת זוֹ בְּלִבְדָּא: In a situation where one may desecrate Shabbat to save a life, more than one Shabbat may be desecrated. One does not delay medical treatment to avoid desecrating Shabbat twice (*Shulhan Arukh, Oraḥ Hayyim 328:11*).

אין – These acts should not be performed by gentiles, etc. – עוֹשִׂין דְּבָרִים הִלְלוּ לֹא עַל יְדֵי גוֹיִם וְכוּ: When Shabbat must be desecrated for the sake of an ill person who is in danger, one should attempt to ensure that this is not done by gentiles,

minors, or women, but by educated adult Jews. The Rema cites an opinion that one should try to perform the action in an unusual way in order to avoid violating a prohibition by Torah law. Similarly, if the act can be performed by a gentile with no prohibition violated at all, the gentile should be employed (*Or Zarua; Tosefot; Ran*). In the *Taz* and the *Arukh HaShulhan* it is written that one should not act in accordance with the opinion of the Rema, and in all situations the actions should preferably be performed by Jews on Shabbat (*Shulhan Arukh, Oraḥ Hayyim 328:12*).

Saving a life on Shabbat – פְּקוּחַ נֶפֶשׁ בְּשַׁבָּת: If a child falls into a pit, one should dig around its edge to bring the child up, even if in so doing a step is built, which is a prohibited labor on Shabbat. Similarly, one may break down a locked door to release a child, although in doing so he prepares the wood for further use. If a fire breaks out and there is potential danger to human life, the fire should be extinguished, even if a path is cleared at the same time. One need not ask the permission of the court during moments of danger but should hurry and act (*Shulhan Arukh, Oraḥ Hayyim 328:13*).

One may extinguish a fire by placing a barrier – **מְכַבֵּין** – **ומפסיקין בדליקה**: If a fire breaks out in a courtyard and one fears it will cross to another courtyard, endangering the people there, it may be extinguished to prevent it from spreading (*Shulhan Arukh, Orach Hayyim 329:1*). Nowadays, the custom is to extinguish any life-threatening fire, even in the house of a gentile (Rema), since in any city there are certainly elderly people and children who are unable to escape (*Mishna Berura; Shulhan Arukh, Orach Hayyim 334:26*).

With regard to saving a life the Sages did not follow the majority – **לא ה'לכו בפיקוח נפש אחר הרוב** – With regard to saving a life, the principle of majority does not apply. If there are nine gentiles and one Jew in a courtyard and one individual leaves for another courtyard where a building falls on him, such that from a normal halakhic perspective he would be considered to be one of the majority, in a case of uncertainty concerning a life-threatening situation he is considered to be part of the fixed group and there is considered to be a fifty-fifty chance that he is Jewish. Therefore, one acts in order to save him. However, if all the members of a courtyard leave their fixed place, whereupon a building collapses on one of them, the principle of majority does apply. If the majority were gentiles, one does not rescue the person trapped under the building. This is how the Rambam, Rif, and Rosh interpret this passage (*Shulhan Arukh, Orach Hayyim 329:2*).

ראה שננעלה דלת בפני תינוק – שוברה ומוציאו, והזרין הרי זה משופח ואין צריך ליטול רשות מבית דין – ואף על גב דקא מכיין למיתבר בשיפי. מכיין ומפסיקין מפני הדליקה בשבת והזרין הרי זה משופח ואין צריך ליטול רשות מבית דין – ואף על גב דקא ממכיין מכוכי.

וצריכא, דאי אשמועינן ים – משום דאדהכי והכי אול ליה, אבל בור דקא יתיב – אימא לא, צריכא.

ואי אשמועינן בור – משום דקא מיבעית, אבל ננעלה דלת – אפטר דיתבי בהאי גיסא ומשביש ליה באמגוזי, צריכא.

“מכביין ומפסיקין”. למה ליה דאפילו לחצר אחרת.

אמר רב יוסף אמר רב יהודה אמר שמואל: לא ה'לכו בפיקוח נפש אחר הרוב. היכי דמי? אי נימא דאיכא תשעה ישראל וגוי אחד ביניהו – ויכא ישראל ניהו! (אלא) פלגא ופלגא – ספק נפשות להקל.

אלא דאיכא תשעה גוים וישראל אחד – הא נמי פשיטא, דהוה ליה קבוע, וכל קבוע כמחצה על מחצה דמי!

Similarly, if one sees that a door is locked before a child and the child is scared and crying, he breaks the door and takes the child out. And one who is vigilant and acts quickly is praiseworthy, and one need not seek permission from a court, although he intends to break it into boards to be used later. Similarly, one may extinguish a fire by placing a barrier<sup>H</sup> of metal or clay vessels filled with water in front of it on Shabbat when life is endangered. And one who is vigilant and acts quickly is praiseworthy, and one need not seek permission from a court, although he leaves the coals,<sup>N</sup> which can be used for cooking after Shabbat.

The Gemara comments: And it is necessary to teach these examples, since each one suggests an original idea. As, had it taught us the *halakha* of the child who fell into the sea, we would have said: He must act quickly in that case because in the meantime, if he delays, the child will be swept away by the waves and disappear, and therefore the rescuer need not seek permission; but in the case of a child who fell into a pit, who remains there and is in no further danger, one might say the rescuer need not hurry but should request permission from the court first. Therefore, the *baraita* explains: No, it is necessary to tell us that case, too.

And if it had taught us the case of the pit, one might have thought it is because the child is scared at being trapped; but when a door is locked before a child, it is possible to sit on the other side of the door and amuse him with the sound of nuts until Shabbat is over. Therefore, it is necessary to teach that in this case, too, one does not delay but acts immediately because a life is possibly in danger.

It was taught in a *baraita* that one may extinguish a fire by placing a barrier in front of it on Shabbat. The Gemara asks: Why do I need this? What new point is taught by this additional case of a life-endangering situation? The Gemara answers: This *halakha* applies even if the fire is spreading toward another courtyard. Not only may this be done to save the lives of people in the courtyard on fire; it may also be done to prevent the fire from spreading to an adjacent courtyard.

§ Rav Yosef said that Rav Yehuda said that Shmuel said: With regard to saving a life, the Sages did not follow the majority<sup>H</sup> as they do in other areas of *halakha*. The Gemara asks: What are the circumstances? When does one not follow the majority? If we say that one does not follow the majority in a case where there are nine Jews and one gentile among them and a building collapses on one of them, then in that case the majority of people are Jews and yet one desecrates Shabbat to save the trapped person. In such a case one is in fact following the majority. Alternatively, if the group is half Jews and half gentiles, the ruling is lenient with regard to a case of uncertainty concerning a life-threatening situation. But this, too, is not a case where one follows the minority, as there is an even chance that the victim is a Jew.<sup>N</sup>

Rather, it is referring to a case where there are nine gentiles and one Jew. However, this too is obvious. One saves the trapped individual because the group is in a fixed location, and there is a principle that whenever a group is in a fixed location it is considered as though it were evenly divided. In this case, despite the fact that the group's majority is gentile, it is considered as though it were composed half of Jews and half of gentiles.<sup>N</sup>

## NOTES

He leaves the coals – **ממכיין מכוכי** – The Rambam translates these unusual Aramaic words to mean that he clears a path at the same time as he is occupied with extinguishing the fire.

Jews and gentiles with regard to saving a life – **ישראל וגוים** – **דהוה ליה**: The reason that the Gemara permits violating Shabbat

only to save Jewish lives is explained later. According to the *Me'iri*, anything stated about gentiles in this text is referring strictly to idolaters. Gentiles who believe in the unity of God are treated like Jews with respect to this issue.

Majority and fixed location – **רוב וקבוע** – When various items

are mixed together, one follows the majority, as it is likely that a random sample will come from the largest group. However, when objects are permanently fixed, the sample is distorted and one can no longer rely on statistics. In such a case, any individual is considered to have an even chance of belonging to either group.

NOTES

Most of the them left or some of them left – פָּרְשׁוּ רוּבָם – ומקצתם: The Rambam and other commentaries reason as follows: If all the individuals leave for another courtyard, they lose their status of being in a fixed location. Therefore, the principle of majority applies, and one does not desecrate Shabbat for any of them. But if only some people leave, the status of being in a fixed location still applies. Rashi takes the opposite approach. Rabbeinu Efrayim explains that if some of them leave, there are two uncertainties: Uncertainty as to whether the Jew remained in his original place or whether he left, and uncertainty as to whether the building fell on him or not. However, the Ra'avad and many others maintain that, with regard to saving a life, the ruling is lenient even when there are several uncertainties.

HALAKHA

Lineage of a child found in a city – יחוס תינוק שנמצא בעיר – If a baby is found in a city in which both Jews and gentiles live, its status is that of an uncertain gentile, regardless of which group is the majority. If such an individual later marries a Jewish woman, he must divorce her due to the chance that he is not Jewish. If he immerses for the sake of conversion, he is considered a Jew (*Shulhan Arukh, Even HaEzer 4:33*).

לא צריכא דפרוש לחצר אחרת, מהו דתימא: כל דפריש – מרובא פריש, קא משמע לן דלא הלכו בפקוח נפש אחר הרוב.

איני? והאמר רבי אסי אמר רבי יוחנן: תשעה גוים וישראל אחד, באותה חצר – מפקחין, בחצר אחרת – אין מפקחין! לא קשיא, הא – דפרוש בילהו, הא – דפרוש מקצתיהו.

ומי אמר שמואל הכי? והתנן: מצא ביה תינוק מושלך, אם רוב גוים – גוי, ואם רוב ישראל – ישראל, מחצה על מחצה – ישראל. ואמר רב: לא שנו אלא להחיותו, אבל לייחסו – לא.

The Gemara answers: **No, it is necessary** to teach that one does not follow the majority in a case where one individual did not remain with the group in their courtyard but **separated** and went to **another courtyard**, and a building collapses on him. **Lest you say:** One should follow the principle that **whatever is separated from a group is considered to have left from the majority**, and since there was a majority of gentiles there the individual who left the group was probably a gentile, and it is not necessary to clear the debris for a gentile on Shabbat, therefore **it teaches us that with regard to uncertainty in a situation of saving a life, one does not follow the majority.**

The Gemara asks: **Is that so? But didn't Rav Asi say that Rabbi Yoḥanan said:** If there are **nine gentiles and one Jew** and a building collapses on one of them, if it is **in that same courtyard one removes the debris, but in another courtyard one does not remove the debris?** The Gemara answers: This is **not difficult**; there is no contradiction between the *halakhot*. **This case**, where one removes the debris, is **when they all left** for another courtyard and it is clear that the Jew was among them. Consequently, the principle of being in a fixed location still applies, and it is considered a case of uncertainty. **That other situation is when only a minority of them left** for the other courtyard, and it is unknown whether the Jew left with them.<sup>N</sup>

The Gemara asks: **Did Shmuel actually say this**, that one does not follow the majority with regard to saving a life? **Didn't we learn** in a mishna: **If one finds an abandoned child** in a city and his parents are unknown, **if the majority of the city are gentiles** the child is considered a **gentile**; and **if the majority of the city are Jews** the child is considered a **Jew**; if the city is composed of **half gentiles and half Jews**, the child is considered a **Jew**? **And Rav said:** **They taught this**, that he is a Jew, **only with respect to sustaining him but not with respect to attributing a lineage to him.** One does not say that he is definitely Jewish based on the majority. Therefore, with regard to the *halakhot* of marriage, his status remains uncertain. If the abandoned child is a girl, she is not permitted to marry a priest, who may marry only a woman of certain lineage.<sup>H</sup>

Perek VIII  
Daf 85 Amud a

ושמואל אמר: לפקח עליו את הגל בני איתמר דשמואל – ארישא איתמר: אם רוב גוים – גוי, אמר שמואל: ולענין פקוח נפש אינו בן.

אם רוב גוים גוי למאי הילכתא? אמר רב פפא: להאכילו נבלות. אם רוב ישראל – ישראל, למאי הילכתא – להחזיר לו אבידתו.

**And Shmuel said:** This *halakha* of the status of a found child is with regard to **removing debris from on top of him**, implying that if there is a majority of gentiles in the city where he is found, one does not violate Shabbat by removing the debris from the child to save his life. This implies that one does follow the majority in the case of saving a life. The Gemara answers: **When this statement of Shmuel was stated, it was stated with regard to the first halakha.** Shmuel's intent was to be lenient, and his statement should be understood as follows: **If the majority are gentiles, he is a gentile.** **Shmuel said:** **But with regard to the matter of saving a life it is not so.** Rather, one saves him based on the uncertainty.

It was taught that **if there is a majority of gentiles** in the city, a foundling is considered to have the status of a **gentile**. The Gemara asks: **To what halakha** does this statement relate? **Rav Pappa said:** It relates to **feeding him non-kosher food**. One need not protect the child from every prohibition and may even feed him non-kosher food, as though he were a gentile. It was further taught: **If there is a majority of Jews, he is a Jew.** The Gemara asks: **To what halakha** does this relate? The Gemara answers: It relates to **returning a lost object to him**. In such a case it is assumed that he is definitely a Jew. Consequently, Jews must return lost objects to him, whereas there is no obligation to return lost objects to gentiles.

To *halakhot* of damages – לְטָקִין: *Tosafot* ask why the Gemara does not explain all the distinctions with regard to the status of this foundling in terms of damages. The later commentaries argue that, according to the opinion that one does not follow the majority in monetary matters, such distinctions are out of place (*Shem Yosef*).

Returning lost objects and paying damages to a gentile – הַשְׁבֵּת אֲבֵדָה וְנִיקָן לְגוֹי: The *halakhot* of returning lost objects and paying only half damages caused by an innocuous ox are not universal *halakhot*; rather, they are unique laws given to the Jewish people. This is why they do not apply when gentiles are involved.

Bring proof – אֵימְתִי רְאִיָּה: Some commentaries add that even when there is a legitimate reason to think that the foundling is not a Jew, such as when he clearly does not behave like a Jew, one still acts based on the majority of Jews (*Tosefot HaRosh*).

A short while – לְחֵמֵי שָׁעָה: The *Me'iri* adds that in the short time remaining to him, he may confess his sins, repent, and prepare himself for death. One must not deprive him of this opportunity.

מִחֲצָה עַל מִחֲצָה – יִשְׂרָאֵל, לְמֵאֵי הַיְלֻכְתָּא? אָמַר רִישׁ לְקִישׁ: לְנִיקָן, הֵיכֵן דְּמִי? אִי נִימָא דְנִגְחִיה תּוֹרָא דִּידָן לְתוֹרָא דִּידִיה – גְּיִיתִי רְאִיָּה וְנִשְׁקוּל!

It was further stated: If the city is half gentile and half Jewish, the foundling has the status of a Jew. The Gemara asks: **To what halakha** does this relate? **Reish Lakish said:** It is referring to *halakhot* of damages.<sup>N</sup> The Gemara asks: **What are the circumstances?** If we say that our ox, i.e., an ox belonging to another Jew, gored his ox, one could ask: How can he make a claim like a Jew? **Let him bring proof** that he is Jewish, and only then may he take the money for damages, since the burden of proof rests upon the claimant. Since he cannot prove his Jewish status, he has no claim.<sup>N</sup>

לֹא צְרִיכָא, דְנִגְחִיה תּוֹרָא דִּידִיה לְתוֹרָא דִּידָן, פְּלִגָּא – וְהֵיב לִיה, אִידָךְ פְּלִגָּא – נִימָא לִיה: אֵימְתִי רְאִיָּה דְלֵאוּ יִשְׂרָאֵל אָנָּא, וְשָׁקוּל.

The Gemara answers: **No**, it is necessary when his innocuous ox, which has gored fewer than three times, gored our ox, i.e., an ox belonging to a Jew, in which case he gives him half, which is what a Jew pays for damages caused by an innocuous ox. However, a gentile must make full restitution for the damage caused. The foundling<sup>H</sup> does not pay the other half, which a gentile gives to a Jew if his ox harms a Jew's ox. **Let us say to the one who suffered the damage: Bring proof<sup>N</sup> that I am not a Jew and take the money.** In that case, the burden of proof rests upon the one who suffered the damage.

”מִי שֶׁנִּפְּלַעַל עָלָיו מִפּוֹלֵת וְכוּ” . מֵאֵי קָאָמַר?

It was taught in the mishna: With regard to one upon whom a rockslide fell, and there is uncertainty whether he is there under the debris or whether he is not there; and there is uncertainty whether he is still alive or whether he is dead; and there is uncertainty whether the person under the debris is a gentile or whether he is Jew, one clears the pile from atop him. The Gemara asks: **What is the mishna saying?** Why does it bring three different uncertainties to illustrate the principle that one violates Shabbat to save a life even in a case of uncertainty?

לֹא מִיבְעִינָא קָאָמַר: לֹא מִיבְעִינָא סָפֵק הוּא שָׁם סָפֵק אִינוּ שָׁם, דְּאִי אִיתִיה חַי הוּא – דְּמִפְּקָחִין, אֲלֵא אֲפִילוּ סָפֵק חַי סָפֵק מֵת – מִפְּקָחִין, וְלֹא מִיבְעִינָא סָפֵק חַי סָפֵק מֵת דִּישְׂרָאֵל, אֲלֵא אֲפִילוּ סָפֵק גּוֹי סָפֵק יִשְׂרָאֵל – מִפְּקָחִין.

The Gemara explains: It is speaking using the style of: **Needless to say**, and the mishna should be understood as follows: **Needless to say**, in a case where it is uncertain whether he is there or not there, one removes the debris, since if he is there and he is alive, one must clear the debris. **But even** if it is uncertain whether he is alive or dead, one must clear the debris. **And needless to say**, when there is uncertainty whether he is alive or dead, but it is certain that he is a Jew, one must clear the debris. **Rather**, one must clear the debris even if there is uncertainty whether he is a gentile or a Jew.

”מִצְאֹוהוּ חַי מִפְּקָחִין” . מִצְאֹוהוּ חַי פְּשִׁיטָא! לֹא צְרִיכָא, דְּאֲפִילוּ לְחֵמֵי שָׁעָה.

The mishna taught: If they found him alive, they continue to remove the debris. The Gemara is surprised at this: **If they find him alive**, it is obvious that they remove the debris, since that is saving a life. The Gemara answers: **No**, it is necessary to teach that one must desecrate Shabbat for his sake even if it is clear that he will live only a short while<sup>NH</sup> and will die soon after.

#### HALAKHA

A child found in a city – תִּינוּק שֶׁנִּמְצָא בְּעִיר: If a child was found in a city of Jews and gentiles and was not converted, nor did he convert on his own, then he may be fed non-kosher food if the majority of residents of the town are not Jewish. If the majority of residents in the town are Jewish, he is treated as a Jew and his lost objects must be returned. If the population of the town is evenly split, he must be sustained as a Jew and rescued from a collapsed building on Shabbat. With regard to paying damages, his status is in doubt, and the burden of proof

rests on the claimant (Rambam *Sefer Kedusha, Hilkhhot Issurei Bia* 15:22). Other authorities claim that if the majority in the town is gentile, the child is rescued from a ruin on Shabbat, but he need not be sustained (*Tur, Shulhan Arukh, Even HaEzer* 4:34).

Even if he will live only a short while – אֲפִילוּ לְחֵמֵי שָׁעָה: If a person is found crushed under debris and will survive only a short while, one still clears the debris from him on Shabbat (*Shulhan Arukh, Oraḥ Hayyim* 329:4).

מצילין את – One may save a corpse from a fire on Shabbat – **המת מהדליקה בשבת**: If there is concern that a dead body will be consumed by fire on Shabbat, a loaf of bread or a child is placed on it, whereupon it may be removed from danger. If such a procedure is not possible, the body may be moved normally, but not to a different domain. This ruling is in accordance with the opinion of Rabbi Yehuda ben Lakish (*Shulhan Arukh, Oraḥ Hayyim* 311:1).

Check until the nose – **בודק עד חוטמו**: If a person is found in debris on Shabbat, his breathing is checked by examining his nose. If he is still breathing, the rescue is continued. In that case, it does not matter whether the digging began at his head or his feet. This ruling is in accordance with the unattributed *baraita* (*Shulhan Arukh, Oraḥ Hayyim* 329:4).

“ואם מת ינחווהו”. הא נמי פשיטא! לא צריכא לרבי יהודה בן לקיש. דתנא: אין מצילין את המת מפני הדליקה, אמר רבי יהודה בן לקיש: שמעתי שמצילין את המת מפני הדליקה. ואפילו רבי יהודה בן לקיש לא קאמר אלא מתוך שאדם בהול על מתו, אי לא שרית ליה – אתי לכבויו. אבל הכא, אי לא שרית ליה – מאי אית ליה למעבד?

תנו רבנן: עד היכן הוא בודק? עד חוטמו, ויש אומרים: עד לבו. בודק ומצא עליונים מתים – לא יאמר: כבר מתו התחתונים. מעשה היה, ומצאו עליונים מתים ותחתונים חיים.

נימא הני תנאי בי הני תנאי, דתנא: מהיכן הולד נוצר – מראשו, שנקאמר: “ממעני אמי אתה גוזי” ואומר: “גזי נורך והשליכי”. אבא שאול אומר: מטיבורו, ומשליח שרשיו אילך ואילך.

אפילו תימא אבא שאול, עד כאן לא קא אמר אבא שאול התם – אלא לענין יצירה, דכל מידי ממציעתיה מיתצר. אבל לענין פקוח נפש – אפילו אבא שאול מודי דעיקר חיותא באפיה הוא, דכתיב: “כל אשר נשמת רוח חיים באפיו”.

אמר רב פפא: מחלוקת ממשא למעלה, אבל ממעלה למטה, בין דבדק ליה עד חוטמו – שוב אינו צריך, דכתיב: “כל אשר נשמת רוח חיים באפיו”.

§ The mishna taught: If they found him dead, they should leave him. The Gemara is surprised at this: Isn't this also obvious? What allowance might there be to desecrate Shabbat for the sake of a corpse? The Gemara answers: No, this ruling is necessary according to the opinion of Rabbi Yehuda ben Lakish, as it was taught in a *baraita*: One may not save a corpse from a fire, since one may not violate Shabbat for the sake of the dead. Rabbi Yehuda ben Lakish said: I heard that one may save a corpse from a fire.<sup>h</sup> The Gemara challenges: Even Rabbi Yehuda ben Lakish said this only with regard to a fire because a person is agitated over his dead relative, whose body might burn in the fire. If you do not permit him to remove the corpse he may come to extinguish the fire and transgress a severe Torah prohibition. However, here, in the case of a rockslide or building collapse, if you do not permit him to remove the debris, what might he do? In this case, there is no concern of Shabbat desecration, and preserving the dignity of the dead does not override Shabbat.

The Rabbis taught: If a person is buried under a collapsed building, until what point does one check to clarify whether the victim is still alive? Until what point is he allowed to continue clearing the debris? They said: One clears until the victim's nose.<sup>h</sup> If there is no sign of life, i.e., if he is not breathing, he is certainly dead. And some say: One clears until the victim's heart to check for a heartbeat. If several people are buried and one checked and found the upper ones under the debris dead, he should not say: The lower ones are likely also already dead, and there is no point in continuing to search. There was an incident where they found the upper ones dead and the lower ones alive.

The Gemara comments: Let us say that the dispute between these *tanna'im* who disagree about checking for signs of life is like the dispute between these *tanna'im* who disagree about the formation of the fetus. As it was taught in a *baraita*: From what point is the fetus created? It is from its head, as it is stated: “You are He Who took me [gozi] out of my mother's womb” (Psalms 71:6), and it says: “Cut off [gozi] your hair, and cast it away” (Jeremiah 7:29). These verses suggest that one is created from the head, the place of the hair. Abba Shaul says: A person is created from his navel, and he sends his roots in every direction until he attains the image of a person. The *tanna* who says that the presence of life is determined based on the nose holds in accordance with the opinion of the *tanna* who maintains that the formation of a fetus begins with its head. Likewise, the *tanna* who says the presence of life is determined based on the heart holds in accordance with the opinion of the one who thinks the formation of a fetus begins with its navel.

The Gemara rejects this: Even if you say that the formation of a fetus from the navel is the opinion of Abba Shaul, he may nevertheless require one to check the nose for signs of life. Until now, Abba Shaul spoke there only about formation, saying that everything is created from its middle; however, as for saving a life, even Abba Shaul admits that the main sign of life is in the nose, as it is written: “All in whose nostrils was the breath of the spirit of life” (Genesis 7:22).

Rav Pappa said: The dispute with regard to how far to check for signs of life applies when the digger begins removing the rubble from below, starting with the feet, to above. In such a case it is insufficient to check until his heart; rather, one must continue removing rubble until he is able to check his nose for breath. But if one cleared the rubble from above to below, once he checked as far as the victim's nose he is not required to check further, as it is written: “All in whose nostrils was the breath of the spirit of life” (Genesis 7:22).

וכבר היה רבי ישמעאל ורבי עקיבא ורבי אלעזר בן עזריה מהלכין בדרך, ולוי הסדר ורבי ישמעאל בנו של רבי אלעזר בן עזריה מהלכין אחריהן. נשאלה שאלה זו בפניהם: מניין לפקוח נפש שדוחה את השבת?

נענה רבי ישמעאל ואמר: "אם במוחלת ימצא הגנב, ומה זה שפק על ממונו בא ספק על נפשות בא, ושפיכות דמים מטמא את הארץ וגורם לשכינה שתסתלק מ ישראל – ניתן להצילו בנפשו, קל וחומר לפקוח נפש שדוחה את השבת."

נענה רבי עקיבא ואמר: "וכי יויד איש על רעהו וגוי מעם מזבחי תקחנו למוות? מעם מזבחי – ולא מעל מזבחי. ואמר רבה בר בר חנה אמר רבי יוחנן: לא שנו אלא להמית."

**S** The Gemara relates: It once happened that Rabbi Yishmael, and Rabbi Akiva, and Rabbi Elazar ben Azarya were walking on the road, and Levi HaSadar<sup>N</sup> and Rabbi Yishmael, son of Rabbi Elazar ben Azarya, were walking respectfully behind them, since they were younger and did not walk alongside their teachers. This question was asked before them:<sup>N</sup> From where is it derived that saving a life<sup>N</sup> overrides Shabbat?

Rabbi Yishmael answered and said that it is stated: "If a thief be found breaking in and be struck so that he dies, there shall be no blood-guiltiness for him" (Exodus 22:1). Now, if this is true for the thief, where there is uncertainty whether he comes to take money or to take lives, and it is known that bloodshed renders the land impure, since it is stated about a murderer: "And you shall not defile the land" (Numbers 35:34), and it causes the Divine Presence to depart from the Jewish people, as the verse continues: "In the midst of which I dwell, for I the Lord dwell in the midst of the children of Israel" (Numbers 35:34), and even so the home owner is permitted to save himself at the cost of the thief's life, then *a fortiori* saving a life overrides Shabbat.

Rabbi Akiva answered and said that it is stated: "And if a man comes purposefully upon his neighbor to slay him with guile, you shall take him from My altar, that he may die" (Exodus 21:14). The phrase "take him from My altar" implies that if the murderer is a priest and comes to perform the service, one does not wait for him to do so but takes him to his execution immediately. But one should not take him from on top of My altar. If he already began the service and is in the midst of it, one does not take him down from the altar immediately but instead allows him to finish his service. And Rabba bar bar Ḥana said that Rabbi Yohanan said: They taught only that a priest is not removed from the altar in order to execute<sup>N</sup> him for murder,

**NOTES**  
Levi HaSadar – לוי הסדר – Some commentaries explain that he arranged *mishnayot* and was therefore called the arranger [*sadar*]. The *Arukh* reads this as *HaSadar*, meaning he fashioned plaited garments [*bigdei serad*] or made latticework (*ge'onim*).

This question was asked before them – זו – נשאלה שאלה זו – בפניהם: This might mean that the students posed the question and their teachers deliberated on the matter.

From where is it derived that saving a life – מניין לפקוח נפש: The Sages already sought proofs that the three most severe transgressions must be observed even at the cost of one's life. This implies that all other mitzvot, including Shabbat, may be violated to save a life. Therefore, it must be explained that the Gemara previously argued that one may save one's own life by transgressing a mitzva, whereas here the Gemara discusses overriding Shabbat to save another person's life (*Tosefet Yom HaKippurim; Siaḥ, Yitzhak*).

To execute – להמית: Some commentaries explain that this phrase as meaning: To give testimony about another's liability in a capital crime (*Me'iri*).

Perek VIII  
Daf 85 Amud b

אבל להחיות – אפילו מעל מזבחי. ומה זה, שפקק יש ממש בדבריו ספק אין ממש בדבריו, ועבודה דוחה שבת – קל וחומר לפקוח נפש שדוחה את השבת. נענה רבי אלעזר ואמר: ומה כפילה, שהיא אחד ממאתים וארבעים ושמונה איברים שבאדם – דוחה את השבת, קל וחומר לכל גופו – שדוחה את השבת.

but to preserve a life, e.g., if the priest can testify to the innocence of one who is sentenced to death, one removes him even from on top of My altar, even while he is sacrificing an offering. Just as this priest, about whom there is uncertainty whether there is substance to his words of testimony or whether there is no substance to his words, is taken from the Temple service in order to save a life, and Temple service overrides Shabbat, so too, *a fortiori*, saving a life overrides Shabbat. Rabbi Elazar ben Azarya answered and said: Just as the mitzva of circumcision,<sup>N</sup> which rectifies only one of the 248 limbs of the body, overrides Shabbat, so too, *a fortiori*, saving one's whole body, which is entirely involved in mitzvot, overrides Shabbat.

רבי יוסי ברבי יהודה אומר: "את שבתותי תשמורו" – כול לכל – תלמוד לומר: "אך" – חלק. רבי יונתן בן יוסף אומר: "כי קודש היא לכם" – היא מסודה בידכם, ולא אתם מסורים בידה.

Other *tanna'im* debated this same issue. Rabbi Yosei, son of Rabbi Yehuda, says that it is stated: "But keep my *Shabbatot*" (Exodus 31:13). One might have thought that this applies to everyone in all circumstances; therefore, the verse states "but," a term that restricts and qualifies. It implies that there are circumstances where one must keep Shabbat and circumstances where one must desecrate it, i.e., to save a life. Rabbi Yonatan ben Yosef says that it is stated: "For it is sacred to you" (Exodus 31:14). This implies that Shabbat is given into your hands, and you are not given to it to die on account of Shabbat.

**NOTES**  
ומה כפילה וכו' – Rabbeinu Ḥananel explains that circumcision, which is performed on one limb, saves one from death because a person who is uncircumcised is liable to receive *karet*. Furthermore, Moses was almost killed by the angel of death because he did not circumcise his son (see Exodus 4:24–26). Moses was saved by his wife Zipporah, who took a stone and circumcised her son. This case is the source for the Gemara's *a fortiori* reasoning.

And the children of Israel shall keep Shabbat – וְשָׁמְרוּ בְּנֵי יִשְׂרָאֵל אֶת הַשַּׁבָּת: It seems that the support for this argument is the entire verse, since “the children of Israel shall keep Shabbat” so that they will “observe Shabbat” in the future. The commentaries note that since saving a life overrides Shabbat even when the individual will live for only a short while, and even when it is clear that he will not be able to observe future *Shabbatot*, the main point here is that it is permitted to desecrate Shabbat for the sake of fulfilling the mitzvot (*Tosefet Yom HaKippurim*).

And not that he should die by them – וְלֹא שְׂיָמוּת בָּהֶם: One must see to it that the mitzvot do not in any way cause a person's death. Therefore, both certain and uncertain risk to life override the observance of mitzvot (see *Tosafot*).

Death and Yom Kippur atone – מִיַּתָּה וְיוֹם הַכִּפּוּרִים מְכַפְּרִים: The letter *vav* in this statement, translated as the word: And, may also mean: Or. That is, each one of these atones when accompanied by repentance. This is clear from the corresponding passage in the Jerusalem Talmud.

I will sin and Yom Kippur will atone – אֲחַטָּא וְיוֹם כִּפּוּר – מְכַפֵּר: One who relies on the Judge of the world to atone for him, believing that this gives him license to sin, has no chance for atonement at all, even on Yom Kippur (Rabbeinu Yehonatan).

## HALAKHA

I will sin and I will repent – אֲחַטָּא וְאָשׁוּב: If one says: I will sin and repent, or: I will sin and Yom Kippur will atone, he is given no chance to repent (*Rambam Sefer HaMadda, Hilkhot Teshuva* 4:1).

Transgressions between a person and another – עֲבִירוֹת: Yom Kippur atones only for transgressions committed against God, whereas transgressions committed against one's fellow man are not forgiven until the sinner rights the wrong and appeases his friend (*Rambam Sefer HaMadda, Hilkhot Teshuva* 2:9).

רבי שמעון בן מנסיא אומר: וְשָׁמְרוּ בְּנֵי יִשְׂרָאֵל אֶת הַשַּׁבָּת: אָמְרָה תּוֹרָה: חֵלְלָה עָלָיו שַׁבָּת אַחַת, בְּדִי שֵׁיִשְׁמֹר שַׁבָּתוֹת הַרְבֵּה. אָמַר רַב יְהוּדָה אָמַר שְׂמוּאֵל: אִי הוּאֵי הַתָּם הוּאֵי אָמֵנָא: דִּיִּדֵי עֲדִיפָא מִדִּיִּדְהוּ, וְחֵי בָהֶם – וְלֹא שְׂיָמוּת בָּהֶם.

אָמַר רַבָּא: לְכוּלְהוּ אֵיִתְּ לְהוּ פִּירְכָּא, בְּרַמְדֵּי שְׂמוּאֵל דְּלִית לֵיהּ פִּירְכָּא. דְּרַבִּי יִשְׁמַעֵאל – דִּילְמָא כְּדָרְבָּא, דְּאָמַר רַבָּא: מָאִי טַעְמָא דְּמַחְתְּרַת – חִזְקָה אִין אָדָם מַעֲמִיד עַצְמוֹ עַל מְמוֹנֵו, וְהָאֵי מִיִּדְעָ יָדַע דְּקָאֵי לְאִפִּיָּה, וְאָמַר: אִי קָאֵי לְאִפִּיָּה – קְטִילֵנָא לֵיהּ, וְהַתּוֹרָה אָמְרָה: בָּא לְהַרְגֵנָּה – הַשֶּׁכֶם לְהַרְגֵנָּה, וְאִשְׁבַּחֵן וְדָאֵי, סַפֵּק מְנָא לָן?

דְּרַבִּי עֲקִיבָא נָמִי, דִּילְמָא כְּדָאֵבִי. דְּאָמַר אָבִי: מִסְרִינָן לֵיהּ זִוְגָא דְּרַבְּנָן, לִידַע אִם מַמְשׁ בְּדַבְּרֵי. וְאִשְׁבַּחֵן וְדָאֵי, סַפֵּק מְנָא לָן?

וְכוּלְהוּ אִשְׁבַּחֵן וְדָאֵי, סַפֵּק מְנָא לָן? וְדְשְׂמוּאֵל וְדָאֵי לִית לֵיהּ פִּירְכָּא. אָמַר רַבִּינָא וְאִיתִימָא רַב נַחֲמָן בְּרַ יִצְחָק: טַבָּא תְּדָא פְּלִפְלֵתָא חֲרִיפָא מְמֵלָא, צָנָא דְּקָרִי.

מתני' חטאת ואשם ודאי – מכפרין. מיתה ויום הכפורים – מכפרין עם התשובה. תשובה מכפרת על עבירות קלות, על עשה ועל לא תעשה, ועל החמורות הוא תולה עד שיבא יום הכפורים וכפר. האומר "אחטא ואשוב", "אחטא ואשוב" – אין מספקין בידו לעשות תשובה, "אחטא ויום הכפורים מכפר" – אין יום הכפורים מכפר. עבירות שבין אדם למקום – יום הכפורים מכפר. עבירות שבין אדם לחבירו – אין יום הכפורים מכפר, עד שירצה את חבירו.

Rabbi Shimon ben Menasya said: It is stated: “And the children of Israel shall keep Shabbat,<sup>n</sup> to observe Shabbat” (Exodus 31:16). The Torah said: Desecrate one Shabbat on his behalf so he will observe many *Shabbatot*. Rav Yehuda said that Shmuel said: If I would have been there among those Sages who debated this question, I would have said that my proof is preferable to theirs, as it states: “You shall keep My statutes and My ordinances, which a person shall do and live by them” (Leviticus 18:5), and not that he should die by them.<sup>n</sup> In all circumstances, one must take care not to die as a result of fulfilling the mitzvot.

Rava commented on this: All of these arguments have refutations except for that of Shmuel, which has no refutation. The Gemara explains Rava's claim: The proof brought by Rabbi Yishmael from the thief who breaks in could perhaps be refuted based on the principle of Rava, as Rava said: What is the reason for the *halakha* about the thief who breaks in? There is a presumption that while a person is being robbed he does not restrain himself with respect to his money. And this thief knows that the homeowner will rise to oppose him and said to himself from the start: If he rises against me, I will kill him. And the Torah states: If a person comes to kill you, rise to kill him first. We found a source for saving a life that is in certain danger, but from where do we derive that even in a case where there is uncertainty as to whether a life is in danger one may desecrate Shabbat? Consequently, Rabbi Yishmael's argument is refuted.

The proof of Rabbi Akiva can also be refuted. He brought the case of removing a priest from altar service in order to have him testify on another's behalf, since his testimony might acquit the accused and save him from execution. But perhaps that *halakha* is in accordance with the opinion of Abaye, as Abaye said: If the accused says he has a witness in his favor, we send a pair of rabbis on his behalf to determine if his words of testimony have substance. These rabbis would first check that the testimony of the priest is substantive before removing him from the altar. If so, we have found that one interrupts the Temple service to save a life from certain danger, but from where do we derive that one interrupts the Temple service when the likelihood of saving life is uncertain?

And for all the other arguments as well, we have found proofs for saving a life from certain danger. But for cases of uncertainty, from where do we derive this? For this reason, all the arguments are refuted. However, the proof that Shmuel brought from the verse: “And live by them,” which teaches that one should not even put a life in possible danger to observe mitzvot, there is certainly no refutation. Ravina said, and some say it was Rav Nahman bar Yitzhak who said with regard to this superior proof of Shmuel: One spicy pepper is better than a whole basket of squash, since its flavor is more powerful than all the others.

**MISHNA** A sin-offering, which atones for unwitting performance of transgressions punishable by *karet*, and a definite guilt-offering, which is brought for robbery and misuse of consecrated items, atone for those sins. Death and Yom Kippur atone<sup>n</sup> for sins when accompanied by repentance. Repentance itself atones for minor transgressions, for both positive mitzvot and negative mitzvot. And repentance places punishment for severe transgressions in abeyance until Yom Kippur comes and completely atones for the transgression. With regard to one who says: I will sin and then I will repent,<sup>h</sup> I will sin and I will repent, Heaven does not provide him the opportunity to repent, and he will remain a sinner all his days. With regard to one who says: I will sin and Yom Kippur will atone for my sins, Yom Kippur does not atone for his sins.<sup>n</sup> Furthermore, for transgressions between a person and God, Yom Kippur atones; however, for transgressions between a person and another,<sup>h</sup> Yom Kippur does not atone until he appeases the other person.