



# THE DAF • A • WEEK **שבוע** MATTERS

שבת קודש פרשת שלח | מסכת יבמות דף נ"ה

לע"נ ברוך בענדיט וברכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

לע"נ צביה בת ר' אברהם צבי, ע"נ רבקה בת ר' נתן, לע"נ קראסל בת ר' נתן  
לע"נ משה יהודה בן ישראל זאב הי"ד, לע"נ מלכה בת ישראל זאב הי"ד

## INSIGHTS FROM OUR CHABUROS

### The Condition of Being ערירי

רבה רמי: כתיב ערירים יהיו, וכתיב ערירים יהיו, וכתיב ערירים יהיו, וכתיב ערירים יהיו. האכיצד? יש לו בנים קוברין, אין לו בנים הולך ערירי. ואצטריך למיכתב וכו'

**R**abba cites two contrasting verses and explains how they are to be reconciled. The verse of ערירים יהיו tells us that the sinners who engage in incest will become childless. This teaches that the children they had until the point they sinned will die during their lifetime. The inference of the verse is that they will lose the children they had until this time, and the fate of losing children will apply to the children who are alive now. However, the verse does not emphasize that they will die childless, thus we are left with the conclusion that any children they might have after this point could very well survive. The verse which states teaches that the sinful couple will die childless. This means that if they have no children until this point, they will not have children, and if they did have children at this point, these children will predecease them. We could, however, be left with the impression that any current children already born might not be affected. This is why the verses complement each other, and together they provide a full understanding of the extent of the repercussions of this sinful behavior. The parents who commit incest will die childless, both in reference to the children they have already, as well as any children who might be born after the sin. This is the lesson of the Gemara, and is how it is explained by Rashi here on the daf. In his commentary to Chumash, Rashi (to Vayikra 20:20) explains the implication of the verses in the opposite manner as we have just presented. There, he says that ערירים יהיו would have taught that children born before the sin will die during the life of the parents (i.e., the word ימותו refers to the children, not to the parents). And the verse ערירים יהיו indicates that if they had no children until this point, the sinful adults will never have children. In his commentary to Rashi's Commentary on Chumash, R' Eliyahu Mizrachi notes that the approach of Rashi there is in contrast to his explanation to the Gemara. Nevertheless, the point of our Gemara is that the two verses work in tandem to form a true explanation of the punishment of being ערירי/childless. The only difference between the nuances is how to conduct the analysis. The conclusion is the same, regardless.

## STORIES OFF THE DAF

### The Consequences of Sin אין לו בנים מת ערירי

**O**n this week's daf we find that some sins cause a person to die without children, ר"ל. Such is the severity of such acts! The Torah tells us (Bamidbar 32:22) "you shall be clear before God and before Yisrael." The Yerushalmi (Shekalim 3:2) teaches that a person is obligated to take care to appear justified and righteous in the eyes of all creatures as much as he must be careful to fulfill his obligations to Hashem. The Chasam Sofer wrote that he was always very concerned about these two commandments. These two obligations, to fulfill one's duties before Hashem and to maintain an impressive reputation and impeccable appearance in front of His nation Yisrael, are as yokes upon our necks. However, it is easier to fulfill the first obligation, the one to Hashem, than to fulfill the obligation to the people, who carry in their hearts foreign thoughts and ideas. Additionally, the punishment connected with the second obligation is infinitely harsher than that for one who does not fulfill his obligation to Hashem. We find this concept in the Gemara, where it states that one who desecrates Hashem's name has no atonement at all. An example of desecrating Hashem's name would be if a "rabbi" buys meat without paying for it immediately. Even if one is not in a position as a role model in the community, where people are seeking and expecting from him impeccable and straight conduct, such an act is desecrating Hashem's name, in spite of the fact that the person did not actually do anything wrong, and the negative impression which his conduct gave is in error and their judgment is hasty. Chasam Sofer's even wrote, "And I thought several times whether it is possible for one to ever fulfill this verse properly." Perhaps this is what Shlomo HaMelech was referring to when he said (Kohelles 7:20), "There is no righteous man in the land who will do good and will not sin." Moshe Rabbeinu warned the tribes of Reuven and Gad, when he said, "And you will be clear from Hashem and from Yisrael." Yet despite the fact that they did everything to fulfill their obligations by going at the front of the camp to conquer the land, in the end, the matter was not in their hands. And perhaps that is why they were the first of all the tribes to be exiled, since they could not satisfy the requirements of the people. (See I Divrei HaYamim 5:26).

## PARSHA CONNECTION

**In this week's daf**, we find a very interesting exchange whereby רב דימי said something in the name of רבי יוחנן and was told that רב חנה said in the name of רבי יוחנן something different. He responded by saying either he is lying or I am lying. This is a very unusual response and mirrors the story of the מרגלים in this week's Parsha, where יהושע and כלב contradicted the other 10 spies. יהושע prayed that יהושע should succeed in the mission, but didn't pray for the others. If Moshe was concerned about the mission, why didn't he pray for everyone's success? The Alshich Hakadosh offers a fascinating answer. We know that one עברה leads to another עברה and someone who lied once or sinned in their speech is more likely to repeat their sin. Since יהושע was a descendent of יהושע who spoke הרע לשון about his brothers, there was a greater fear that יהושע will now repeat the sin and speak הרע לשון about ישראל. The other spies did not have anything in their past, which would be a cause of concern to Moshe Rabbeinu, and he saw no need to pray for them.

## MUSSAR FROM THE DAF

What is Important to You is Important to Me

אלא לעולם לשקינא לה דרך אברים ואיצטריך סד"א בקפידא דבעל תלה רחמנא והא קא קפיד קמ"ל

The Gemora says that even if a husband forbids his wife (through קינוי) not to be with a man "derech avarim" (i.e., simply fondling without actual תשמיש), he won't make her into a sotah if she ultimately is מיחד with that man. What is the הוא מינא that the הקפדה of the husband can create the woman into a sotah with simply "derech avarim"? Let's take a look at a fascinating Bais Halevi (chelek 2, 40) in which he brings an ostensible סתירה in the Rambam. The Rambam states that if a Shomers Yibam is מזונה, then she is not assur to the Yavam. However, in another halacha he states that if a Yavam is מוקנה יבם and then she is מיחד with this man, she becomes a Sotah and is now assur to the Yavam. This, asks the Bais Halevi doesn't seem to make sense. How is it that if a woman is actually מזונה with a man she is not assur, while if she is simply מיחד with a man that she was warned about (and now there is a safek if she was מזונה with him) she is now assur? The Bais Halevi is mechadesh the concept that the driving force in making a woman a Sotah is the Hakpada of the husband. This can now answer that the הוא מינא of our Gemara is that the הקפדה of the בעל can turn a woman into a sotah even if there was no chashash of actual זנות. We see from here a very big yesod for relationships. It is specifically when one side of a relationship doesn't respect the הקפדה of the other side that creates discord in the relationship. Performing an action which goes against the רצון of the other side can be worse than simply committing an inappropriate action in a relationship. Learning to be sensitive to the needs, wants, and desires of the other in a relationship is the key to shalom. As Rav Noach Orlowek says, love can be defined by saying "what is important to you is important to me."

## POINT TO PONDER

The Gemara discusses which sisters in law are permissible after a brother's death and suggests that perhaps a half brother's wife where these two brothers shared a mother would be permitted to marry the surviving brother. ואימא אשת אח מן האם כאשת אח מן האב. We learned earlier on דף י"ז ע"ב that the גמרא uses the פסוק of אחים to exclude a half brother from the same mother. Why doesn't our גמרא bring this same פסוק which explicitly excludes half brothers who don't have the same father?

### Response to last week's Point to Ponder:

Rashi explains that an asleep יבם cannot be קונה because he is not בר דעת and therefore he can't acquire anything. We learned in the Mishna that someone who has no intent to acquire, but is only interested in ביאה or someone who thought that he was living with someone else (his wife), are both able to acquire. Since we see clearly that intent to acquire is not necessary, what does Rashi mean when he says that he is not בר דעת?

When רש"י writes that someone who is asleep he is not בר קנין because he has no בר דעת, he doesn't mean that בר דעת is required for יבום. Although a someone who is asleep is not capable of intent and can be viewed as not being "present". Even though one doesn't need any intent to do יבום, he needs to be capable of having intent. This can also be seen in the גמרא explanation of someone who is drowsy or "sleepy", as one who answers when called. Another example is found in the הלכות מכירה י"ח רמב"ם regarding the difference between a drunk and someone who reached the level of לוט. While a drunk can be קונה, one who reaches the level of לוט can't. (See ערוך לנר).

## HALACHA HIGHLIGHT

Is a Widow Considered Related to Her Deceased Husband?

הואיל לאחר מיתה נמי איקרי שארו

Since even after [her husband's] death she is called his relative

There is a dispute whether a widow is considered related to her husband following the death of her husband. Tosafos<sup>1</sup> here writes that a widow is no longer considered related to her husband after his death, but Tosafos in Bava Basra<sup>2</sup> cites another Gemara that indicates that a widow is considered related after her husband's death. Rav Moshe Feinstein<sup>3</sup> suggests that this dispute can be utilized to understand an interesting explanation of Rav Shabsai Hakohen, the Shach. Shulchan Aruch<sup>4</sup> rules that a woman has the authority to prevent the burial of her husband until she is paid her kesubah. This ruling is difficult because elsewhere Rema<sup>5</sup> rules that a creditor has the authority to prevent the burial of his debtor until he is paid his debt unless the debtor is related to the deceased. Why then, does a wife have the authority to prevent her husband's burial until her kesubah is paid if she is a relative? Shach<sup>6</sup> suggests two resolutions to this difficulty. The first resolution is that the second ruling of Rema applies only to those who are blood relatives but those who are merely related by marriage are not included in that rule. A second resolution is to distinguish between a case where there are charitable funds available to bury the deceased and a case when charitable funds are not available. Rav Moshe Feinstein writes that the two different explanations of Shach can be understood in light of the dispute concerning the relationship between husband and wife following the husband's death. According to the approach that maintains that upon the husband's death the family relationship between husband and wife ceases one can assert that there is a difference between blood relatives and those who are related by marriage, as Shach suggests in his first answer. On the other hand, if the family relationship continues after the husband's death, another resolution is required and that is the second resolution of Shach to distinguish between places where charitable funds may or may not be available.

1. תוס' ד"ה לאחר מיתה
2. תוס' ב"ב קיד: ד"ה מה
3. שו"ת אג"מ יו"ד ח"ב סי' קנ"א
4. שו"ע אה"ע סי' קי"ח סעי' י"ח
5. רמ"א חו"מ סי' קז סעי' ב'
6. ש"ך שם סק"ו

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