

IYUN ON THE DAF

By Rabbi
Yitzchok Gutterman

בל קבוע כמחצה על מחצה דמי

The משנה says that if a city is conquered by a sieging army then all the כהנות are אסורות unless there are עדים to the contrary. It also adds that a person cant be מעיד about themselves. The פני יהושע is bothered that the משנה sounds like it is saying a general rule that a person can never be believed about themselves and that certainly isn't true since one of the sources for באיסורים is from a זכה who is believed about where she is up to in her נקיים שבעה נקיים. He answers that perhaps the משנה said it the way it did because it wants to include an earlier משנה where we said כהנים cant testify about themselves that they are כהנים. The חתם סופר explains that its is true that a person is normally believed about themselves, but no עד אחד is believed against a חזקה. In our case, there is a חזקה דרבנן against her since there is a רוב that the conquerors were מזנה with her. However, it is only a חזקה דרבנן since it is a רוב התלוי במעשה which isn't a full רוב. Therefore, since someone else has the added believability of אדם חוטא ולא לו we will believe the other person but we cant believe the woman herself.

PARSHA CONNECTION

In this week's daf the גרמא cites a משנה regarding a lady who was taken as a משכן for a debt in Ashkelon. We find the exact same concept in the first פסוק of פרשת פקודי which states: אלה פקודי המשכן משכן העדת אשר פקד על פי משה עבדת הלויים ביד איתמר בן-אהרן הכהן: (שמות פרק לח פסוק כא) The word משכן is repeated twice in the פסוק and רש"י quotes the מדרש which says that this is a reference to the two מקדש that would be destroyed because they are a משכון that הקב"ה took from בני ישראל. What does it mean when it says that the מקדש/משכן is collateral? Why is it mentioned here, when it was many years later that the המקדש was destroyed? The יקר explains that the משכן is meant as a כפרה for the חטא העגל like it says in "יבוא זהב הכפרת ויכפר על זהב העגל". The כפרה was conditioned on בני ישראל refraining from engaging in עבודה זרה and the משכן was "collateral" meaning that if בני ישראל failed to stick to the agreement and went back to worship עבודה זרה He would take the collateral, which is the משכן and/or the בית המקדש. Therefore the חורבן is alluded to here, because when the משכן was erected כלל ישראל needed to understand this condition. The word משכן is the same as the word משכון which describes the essence of its existence.

STORIES OFF THE DAF

The Inverted Melamed

מלמד שיצא בלא חתימת זקן ובא בחתימת זקן

Very many people who had a difficult time making a living in the "Old Country" found that they achieved success in America—the "goldene medinah" whose streets were paved with gold. Unfortunately, many important religious practices fell by the wayside while the new immigrants made their fortune.

One such hopeful made the difficult journey to the New World but was not successful in keeping a job in a country whose language he could not seem to master and whose ways remained foreign to him. After a while, he returned to his shtetl without any better means of making a living than he had had before he left. Despite the fact that he had left adorned with a beard and payos, he had started to shave them while living in America—a sign that he had adopted American attitudes and values. Upon his return, he continued the practice of shaving he had adopted while overseas, in stark contrast to the other Jewish men of his town.

After he returned, a friend suggested that he take on the job of a cheder melamed. Since the man had once been close to Rav Eizel Charif, zt"l, he decided to consult with the great Rav.

Rav Eizel for his part wanted to get across to this man that he should abandon the bad habits and attitudes he had absorbed in America. So he responded with his characteristic charifus, or sharpness. "I don't think you will succeed in this either since at the moment you will surely be an 'inverted melamed'—a melamed mehupach."

"What do you mean?" asked the unsuspecting man.

"In Kesuvos 27b we find that Chazal say on the verse 'And Yosef recognized his brothers and they didn't recognize him'—melamed, this teaches us, that Yosef left home without a beard and came before them with a beard. You are the very inverse. You left with a beard and returned without one! Unless you go back to the ways of your fathers before you, you will be a melamed mehupach!"

HALACHA HIGHLIGHT

Walking Behind
One's Mother

וכשהיא יוצאה יוצאה בראש בניה

When she (the wife of R' Zecharya ben Hakatzav) would go you she would go out in front of her children

Leket Yosher¹ quotes the ruling of his teacher, the Terumas Hadeshen, that it is permitted for a son to walk behind his mother nowadays since people are no longer particular regarding the general prohibition against walking behind women. The implication of this ruling is that were it not for the reasoning that people are not careful about these matters it would be prohibited for a son to follow behind his mother. Rav Menashe Klein², the Mishnah Halachos, challenges this ruling. The rationale behind the prohibition is that following behind a woman will lead to improper thoughts but a son will not have improper thoughts about his mother so there is no reason for concern. He proves this assertion from our Gemara that reports that when the wife of R' Zecharyah ben Hakatzav would leave, her children would walk behind her.

As a general matter, Mishnah Halachos³ maintains that the prohibition against walking behind a woman is still in force, despite the difficulty in complying with the restriction due to the numerous women who walk around in public. The only leniency is that when there is no other option (ליכא דרכא אחריא) and one is on his way to do a mitzvah, including traveling to earn a living or got to shul, one is permitted to turn his eyes downwards to avoid gazing at the women who are around.

Rav Shlomo Zalman Auerbach⁴ infers from the language of Shulchan Aruch that the restriction no longer applies. Shulchan Aruch⁵ writes that if a man "comes upon פגוע – פגוע" woman in the market he may not walk behind her. This language indicates that it was uncommon for women to be found in the marketplace and therefore, if there was a woman who happens to be there it is likely that following her will generate improper thoughts. Nowadays, however, since there are so many women around in public the restriction no longer applies. The rationale is that even if one attempted to go a different way to avoid following a woman he would in all likelihood find himself behind another woman. Therefore, one could argue that the restriction is no longer in force.

1. לקט יושר יו"ד סי' שע"ו
2. שו"ת משנה הלכות ח"יב סי' ש"ה
3. שו"ת משנה הלכות ח"ה סי' רכ"ו-ז
4. שו"ת מנחת שלמה ח"א סי' צ"א
5. שו"ע אה"ע סי' כ"א סעי' א'

MUSSAR FROM THE DAF

Constant
Battle

גמ' ורמינהו: בלשת שבאה לעיר, בשעת שלום – חביות פתוחות אסורות, סתומות מותרות. בשעת מלחמה – אלו ואלו מותרות, לפי שאין פנאי לנסך

The Gemara quotes a Mishna in Avodah Zarah that in a case where a non-jewish military unit entered a city, if it entered during a time of Shalom, after the soldiers leave, the open barrels are forbidden. However, if the unit entered at a time of war, then they are all forbidden. What is the difference? During times of war, the soldiers are too busy to pour wine as a libation for Avodah Zarah. However, during times of Shalom, they have extra time on their hands, and they may be pouring the wine for Avodah Zarah.

We see from this Mishna that one can be certain that the soldiers did not improperly use the wine because the soldiers were preoccupied with preparations for and on guard of potential attacks by the enemy during a time of war. This Mishna in Avodah Zarah is a great reminder for us. One of the maladies of today's society is the practice of sitting around wasting time on a mobile device or computer. Yet, if we have in mind the Mesilas Yesharim's reminder in the first Perek that we are soldiers in the midst of a battle we will realize the terrible consequences from these actions. ונמצא שהוא מושג באמת בתוך המלחמה החזקה, כי כל עניניו - "That man has been placed in the midst of an intense war, for all the circumstances of the world, whether favorable or adverse, are tests for a person to overcome." As the Gemara teaches us during a battle there is no place for distractions. When one is in battle they always have to be looking for ways to both be on guard from a potential attack and build up their arsenal so that they can respond and attack the enemy. There are many ways of being in a constant state of preparation and building up the arsenal for this life battle. They can include, learning/teaching Torah, learning mussar, doing acts of kindness etc. Living with this understanding that one is in a constant battle, and that they have to keep building up their arsenal for the great "enemy" should keep a person busy so that there is limited time for aveiros or even sitting around idly. Since it is precisely when the soldier is distracted that the enemy is looking to pounce.

Like our Mishna in Avodah Zarah teaches, we should always live life as if we have a battle to win so that we can limit the chances that we are free to do averos.

POINT TO PONDER

The Mishnah says: "עיר שכבשוהו כרכום כל כהנות שנמצאו בתוכה פסולות." Why does the Mishnah say כהנות as opposed to saying כל הנשים? Shouldn't we be concerned about all the women in town who would now be questionable for either marrying or staying married?

Response to last week's Point to Ponder:

The Gemara discusses a story of someone who said that he recalled being taken to the מקוה and then being fed תרומה. He adds that they used to call him חלות אוכל. Why is this last statement necessary?

The fact that his father fed him תרומה is sufficient proof according to ר' חייא who says that ביזו helps, but according to ר' חייא this is insufficient proof, it therefore adds that everyone called him חלות אוכל so he is יוחנן as a כהן by everyone. (See בית יעקב)

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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