

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

Rava finishes presenting his challenge to Rav's qualification of the Mishnah.

Rava's challenge is rejected.

A second version of this exchange is recorded.

An alternative presentation of Rav's statement is presented.

2) Women who are prohibited to their husbands

Rav and Levi give examples of women who are prohibited to their husbands due to the crimes committed by their husbands.

Chizkiyah and R' Yochanan disagree whether a formal death sentence is necessary to prohibit a woman to her husband.

3) **MISHNAH:** The guidelines for determining the status of women from a conquered city are presented.

4) Clarifying the Mishnah

The assumption of the Mishnah that soldiers can take time to violate the women is challenged from a Mishnah related to soldiers using kosher wine for idolatry.

R' Mari distinguishes between violating women and pouring wine to their idols.

R' Yitzchon bar Elazar in the name of Chizkiyah distinguished between the army of this country and the army of another country.

This distinction is unsuccessfully challenged.

It is reported that R' Yehudah Nesiah and Rabanan argue this same issue.

5) Hiding places

R' Idi bar Avin in the name of R' Yitzchok bar Ashyan rules that if there is one hiding place in town the wives of kohanim are assumed to have not been violated.

R' Yirmiyah inquires about the status of the women if the hiding place only contains enough room for one woman, are they all saved or not?

An unsuccessful attempt is made to resolve this inquiry.

R' Ashi inquires whether a woman who admits that she did not hide but claims that she was not violated is believed.

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Distinctive INSIGHT

When does an attacking army plunder and pillage?

רב יצחק בר אלעזר משמיה דחזקיה אמר כאן בכרכום של אותה מלכות
כאן בכרכום של מלכות אחרת

The Gemara had presented an inconsistency regarding how we evaluate the actions of enemy soldiers during war. Our Mishnah taught that the women in the city which was overrun by enemy soldiers are all disqualified from marrying any kohanim, as we are concerned that the non-Jewish soldiers had relations with them. We see that even during war, the soldiers find time to indulge in other actions. The Mishnah in Avoda Zara (70b) teaches that if an enemy army enters the city, all barrels of wine, whether open or sealed, are permitted. We assume that due to the pressures of war, the soldiers had no time to take from the wine and to cause it to become יין נסך.

Rav Yitzchok bar Elazar answers that the difference is whether the invading army is from a local area or from a distant country. Rashi explains that if the attackers are from a nearby country, they have an interest in preserving the property of the local residents, as the invaders wish to have the local residents continue with their commerce in order to pay taxes and tribute to the new rulers. Here, they will not contaminate the wine. If, however, the army is from a foreign land, their interest is only to pillage and destroy. It is in this case that the women are all disqualified from marrying kohanim in the future.

Several questions can be asked regarding this approach of Rashi. First of all, the Mishnah in Avoda Zara itself makes a contrast whether the invading force comes during war, when all barrels are permitted, or during peacetime, when only sealed barrels are permitted. According to Rashi, even during peace there should be a consideration to be lenient if the soldiers are from a nearby country. Furthermore, the Mishnah itself explains that the reason the wine is allowed during war is that the soldiers do not have time to pour the wine to their idols. It does not say that it is due to their interest to preserve property, as Rashi contends.

Therefore, Rabbeinu Chananel (see *תד"ה כאן בכרכום*) reverses the distinction Rashi made. He explains that an army from a nearby land is confident and uninhibited. They are not worried that other armies may come and surprise them. These soldiers will contaminate the wine and the women. An army from a distant land, however, are generally nervous and wary of other armies which may come. They do not have the time or frame of mind to ruin and pillage the property and people. The wine and women of the city would be permitted in this case.

When the Mishnah in Avoda Zara says that at time of war all barrels are permitted, it is referring to an army coming from a distant land. They are concerned that the local army may come at any time to defend its population. ■

REVIEW and Remember

1. What type of capital crime makes a woman prohibited to her husband?

2. Explain the dispute between R' Yehudah and R' Yosi concerning two paths, one of which is tamei?

3. Is a woman's slave believed to testify that her owner was not violated?

4. Why was R' Zecharyah ben HaKatzav not believed to testify that his wife was not violated?

HALACHAH Highlight

Walking behind one's mother

וכשהיא יוצאה בראש בניה

When she (the wife of R' Zechariah ben Hakatzav) would go out 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' Zechariah 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 אחרתא) 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 פגע- 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

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An unsuccessful attempt is made to resolve this inquiry.

6) The testimony of a slave that a woman was not violated

The implication of the Mishnah is that a woman's slave is also believed to testify that her owner was not violated. This assertion is challenged.

Three resolutions are offered to resolve the contradiction.

The Gemara cites proof to the assumption of R' Ashi that a slave would not commit two wrongdoings.

It is suggested that the issue of whether a woman's slave may testify on her behalf is a dispute amongst Tannaim.

The Gemara explains that while according to R' Pappi and R' Ashi there is certainly a dispute amongst Tannaim it is possible for R' Pappa to resolve the Beraisos in a way that does not constitute a dispute.

7) **MISHNAH:** The Mishnah teaches by citing an incident involving R' Zechariah ben Hakatzav that a man is not believed to testify about his wife.

8) Seclusion

A Baraisa mentions that R' Zechariah and his wife continued to share a courtyard but were careful to avoid seclusion.

Abaye inquired whether this leniency could be used for a divorced couple.

The Gemara begins an attempt to answer the inquiry. ■

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 יוסף יו"ד סי' שע"ו.
² שו"ת משנה הלכות ח"ב 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"ת אה"ע סי' כ"א סעי' א'.

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, ז"ל, 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!" ■

