

OVERVIEW of the Daf

1) Seclusion between a woman and two men (cont.)

R' Yehudah in the name of Rav teaches that the leniency permitting seclusion between a woman and two men does not apply when travelling on the road.

A proof to this assertion is suggested but rejected.

An incident related to walking behind women is cited.

2) Seclusion

Rav rules that one receives lashes for violating the prohibition against seclusion but it does not prohibit a married woman.

Amoraim disagree whether lashes are administered to a married woman since there is a concern that people will think that she had an adulterous affair.

Rav adds that lashes are administered to a person who is the subject of bad rumors.

Rabbah asserts that there is no issue of seclusion when a woman's husband is in town.

R' Yosef maintains that there is no issue of seclusion if the door opens to the street.

A related incident is recorded.

R' Kahana discusses whether there is an issue of seclusion when men are in one room and women are in an adjacent room.

The Gemara describes how different Amoraim would make a partition to separate men and women.

A number of incidents related to the power of the yetzer hora/Satan are presented.

Related to one of the stories, the Gemara cites a Baraisa that demonstrates that one who thinks he is committing a transgression, needs atonement.

3) Seclusion with a relative

R' Yehudah in the name of R' Assi asserts that there is no prohibition of seclusion with a sister or mother and Shmuel disagrees.

Shmuel's position is unsuccessfully challenged.

Applications are discussed of Shmuel's warning against seclusion with animals.

Rava presents some exceptions to the restriction against seclusion.

4) Sharing a bed with children

Different limits are offered when it is no longer permitted for parents to share a bed with their children.

A related story is recorded. ■

Distinctive INSIGHT

Sinful thoughts and sinful actions

ומה מי שמתכוון לאכול בשר חזיר ועלה בידו בשר טלה טעון כפרה וסליחה

The verse in Bamidbar 30:13 tells us that if a woman utters a vow and her husband nullifies it, the vow is cancelled. If the woman did not know that her husband had cancelled the vow, and she proceeded to violate her word, the woman is in need of forgiveness although the vow was technically null and void. The woman did not know this, so she needs forgiveness for acting in a manner she believed to be wrong.

The Chid"ra notes that we learned earlier (39b) that if a person has evil intentions, these thoughts are not considered as if the person did a sinful act. Why, then, is a woman held responsible for her thinking that she is committing a sin, when the vow was actually nullified and her actions were not sinful? Chid"ra answers that sinful thoughts in and of themselves are not punishable if they remain only in one's mind. However, in this case the woman actually acted out her deed, and she did an actual deed in order to violate her vow. The truth is that the vow had been cancelled and, technically, she did nothing wrong. Nevertheless, she acted intentionally and wantonly to commit a sin. This is not what the Gemara meant when it said that sinful thoughts alone are not punishable. The woman is in need of forgiveness.

Ben Yehoyada answers that when we say that sinful thoughts are not considered as actions, this means that a person is not punished for his plan to sin as if he did the act unless he actually perpetrates the evil deed. However, a person is certainly held accountable for the thought as such—for having intended to sin.

צמח צדק also explains along these same lines. In a case where a person plans to sin, and he is not deterred along his way, or if a person was willing to do an act which quite possibly involved an act prohibited by the Torah, but he later finds out that the Torah violation was not present, in either case the person demonstrated a severe lack of regard for caution, and he was clearly negligent. In these cases where the person did not try to avoid sin, the person is not necessarily punished for his unlawful thoughts, but rather for his irresponsible disregard for proper caution to not sin.

This, then, is the lesson of Rabbi Akiva. If a person needs atonement for being irresponsible in not trying to avoid sin, even if the sin does not happen, how much more so is a person in need for forgiveness if he shows disregard for caution and he actually does sin! ■

HALACHAH Highlight

Seclusion when a woman's husband is in town

אמר רבה בעלבי בעיר אין חוששין משום יחוד

Rabbah taught that if a woman's husband is in town there is no concern regarding seclusion

Shulchan Aruch¹ rules that it is permitted for a man to go into seclusion with a woman whose husband is in town because she will have fear of her husband. Binas Adam² explains that this principle allows a married woman to go into seclusion with another man even at night and even if the door is locked. Sefer Dvar Halacha³ writes in the name of many Rishonim that even if she is not fearful at every moment that her husband may arrive it is still permitted for her to go into seclusion. The reason is that the temperament of a woman to be concerned that her husband may arrive is a natural feeling and has nothing to do with the actual possibility that her husband may arrive. Following this approach he cites the position of Chazon Ish who permits a woman whose husband is in town to go into seclusion with others even if the husband is unaware of her exact location.

Other Poskim⁴ dispute this lenient approach and maintain that the principle of בעלבי בעיר is limited to circumstances where the wife has the concern that her husband could arrive at any moment. If, for example, the wife was in seclusion in a location where the husband did not know where she was or if the husband is in town but she knows that it would take him a long time to return home the leniency does not apply since she does not have the fear that her husband will return home. Thus, Rav Moshe Feinstein⁵ writes that if a man goes to work an hour away from home and his wife knows that he is at the office she is not

REVIEW and Remember

1. Who are examples of moral individuals?
2. Why is Yom Tov a time to be more cautious of men and women congregating together?
3. What verse caused R' Akiva to cry?
4. When is it permitted for a man to go into seclusion with two women?

permitted to go into seclusion with another man since the principle of בעלבי בעיר does not apply.

Rav Shlomo Zalman Auerbach⁶ adds an important concept to this matter. If a man knows that a woman's husband is in town but she thinks he is out of town it is prohibited for him to go into seclusion with her. Although he knows that it is permitted, nevertheless, since she is under the impression that her husband is out of town it is prohibited. It is similar to the case of a person who eats meat from a sheep thinking that he is eating meat from a pig and the Gemara ruled that this person must repent for intending to commit a transgression. ■

1. שו"ע אה"ע סי' כ"ב סע' ח
2. בינת אדם שער בית הנשים ס"ק ט"ז
3. ספר דבר הלכה סי' ז' הע' ב'
4. ע' בינת אדם כלל קכ"ו ס"ק כ"ז
5. אג"מ אה"ע ח"ד סי' ס"ה
6. שו"ת מנחת שלמה ח"א סי' ל"ה ■

STORIES Off the Daf

"When Rabbi Akiva Reached this Verse..."

וכשהיה מגיע ר"ע אצל פסוק זה היה בוכה

Rav Shalom Shwardron, zt"l, illustrated today's daf with the following parable: "Let us imagine that a person with a more 'progressive' world view is caught red-handed while attempting to steal from his neighbor. Obviously, he would start to cry and beg forgiveness while swearing never to do it again. He would explain (or fabricate) the mitigating circumstances that compel him to steal. If all is forgiven, we can anticipate him slinking off shamefacedly only to caper about in great joy once he is out of view of those who had apprehended him. Would he not have reason to rejoice for avoiding going to jail by a slim margin? Had he been allowed

to keep his ill-gotten gains, he would celebrate all the more. He has no pangs of conscience, since stealing only bothers him because of possible consequences. If he has avoided the consequences, he is not bothered by the act at all.

Rav Shwardron continued, "By contrast, a person with true religious sensibilities who temporarily gives in to his yetzer and finds himself in the same situation would have a very different reaction to being pardoned. He will remember for his entire life the man's cries of, 'Ganev! Ganev!' Why is there such a fundamental difference? Because the second one knows that stealing is wrong in and of itself and is embarrassed for slipping and falling to such a low place. So too, when we sin before Hashem in a less dramatic manner and He forgives us in His mercy, we should also continuously feel embarrassed from having sinned and that we had the

need to ask for forgiveness for such low acts. The only reason we do not feel such shame is that we do not feel the seriousness of sinning before Hashem. Like the man in the first example, we just want to evade any possible punishment. This is the difference between us and the anecdote regarding Rabbi Akiva brought in Kiddushin 81. The Gemara states that one who meant to sin but didn't needs an atonement. It then recounts that when Rabbi Akiva read this, he burst into tears. 'If one who meant to eat pig but ate lamb must atone for this, how much more must one who meant to take pig and ate pig atone!'

Rav Shwardron concluded, "Should we not shed endless tears when confronted with the fact that we do not even understand the need to cry over our sins?"¹ ■

1. קול דודי דופק עמוד ס"ג