

This month's Daf Digest is dedicated
 לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעעש
 From the Grin family, Sao Paulo, Brazil

OVERVIEW of the Daf

1) Illicit relations

An incident is presented in which Chazal ruled it was better for a man to die than for someone to engage in illicit relations.

A dispute is recorded regarding the marital status of the woman in this incident.

הדרן עלך בן סורר ומורה

2) **MISHNAH:** The Mishnah enumerates the transgressions punished with burning.

3) Analyzing the Mishnah

The Gemara infers that the Mishnah refers to one who cohabits with his mother-in-law and her mother and that these prohibitions are written explicitly and the others enumerated in the Mishnah are derived through exposition.

It is explained how Abaye and Rava who have a related dispute would explain the Mishnah in accordance with their respective positions.

4) Mother-daughter arayos

A Baraisa presents the source for the different mother-daughter arayos.

The Gemara cites and elaborates on different parts of the Baraisa.

Abaye and Rava offer different resolutions to a challenge to a gezairah shava in the Baraisa.

While elaborating on Rava's position the Gemara discusses how a gezairah shava works. ■

REVIEW and Remember

1. Why didn't Chazal allow the man to marry the woman with whom he was obsessed.

2. What are the sources for the mother-daughter prohibitions?

3. What halacha is derived from the double gezairah Sshavah הנה הנה זימה זימה?

4. Explain דון מינה ואוקי באתרה.

Distinctive INSIGHT

Areas associated with the three cardinal sins—אביזרייהו

ימות ואל יבעל לו, ימות ואל תעמוד לפניו וכו' ימות ואל תספר וכו'

The Gemara brings a statement of Rav Yehuda in the name of Rav regarding the extent to which the sages instituted precautions and established limitations in the area of prohibited relationships. There was a man who became deathly ill due to his lustful desire for a certain woman. The doctors even declared that the man would die if his desires were not satisfied. The rabbis were asked whether this man could sin with this woman in order to save his life. The rabbis responded that it was prohibited for him to engage in any form of prohibited activity in this area. Not only are forbidden relationships prohibited even at the expense of one's life (יהרג ואל יעבור), but even actions associated with these prohibited relationships are also prohibited, even at the expense of one's life.

Based upon this incident, many Rishonim note that the law that one must offer his life before violating any of the cardinal sins of idolatry, prohibited relationships and murder applies not only to the sins themselves, but it also applies to acts directly associated (אביזרייהו) with these sins. Examples of this would be touching or staring at women who are prohibited (as in our Gemara, where doctors determined that it was medically necessary), or using branches from idolatrous trees for medicinal purposes. In these cases, a person would have to resist partaking of these healing effects because they are associated with the sin itself.

Based upon a comment in the Yerushalmi (Shabbos 14:4), Tosafos (Pesachim 25a) and Rosh (Avoda Zara 2:9) explain that the only time it would be prohibited to use idolatrous branches for healing purposes is where the officer of the idol says that only these special branches will have the desired medicinal effect, due to the demons they control, but that any other branches will not suffice. If, however, a doctor says that the patient needs the heat of a fire, and someone happens to bring branches to burn from an idolatrous tree, it would be permitted to use them. In this case, no special powers have been attributed to the

HALACHAH Highlight

Are women and children counted as one of the ten for purposes of kiddush Hashem?

הא בצנעה הא בפרהסיא

The act of Naaman was private and our question discusses that which took place in public

Rav Ovadia Yosef¹ cites Sefer Lev Shalem who wonders whether a minor is counted as one of the ten people needed for an event to be considered “public” for the obligation to sanctify Hashem’s name. He wrote that the issue would seem to parallel the dispute of whether a minor is counted as one of the ten males needed for a minyan. The reason to connect the two issues is that both halachos are derived from the word ונקדשתי –and I will be sanctified. Rav Ovadia Yosef asserts that the two cases are not necessarily parallel. When it comes to constituting people for a minyan it is necessary for all ten people to be present at one time. Concerning matters of sanctifying Hashem’s name it is not necessary for all the people to be in the same place at the same time. This is evident from the Gemara’s question (74b) that Esther’s marriage to Achashverosh was “public” and she should have sacrificed her life rather than had relations with Achashverosh. According to this analysis one could argue that a child could be counted as one of the ten people needed to consider an event “public” for purposes of sanctifying Hashem’s name since the qualification for sanctifying Hashem’s name is more lenient than the qualification for a minyan.

Rav Ovadia Yosef mentions Teshuvos Dvar Shmuel who questions whether women are counted as one of the ten people needed for an event to be considered “public.” Although there is a dispute amongst the Poskim whether wom-

(Insight...continued from page 1)

fact that the tree was from idolatry. ר"ן, however, cites this opinion of Tosafos, and he rejects it. He contends that this opinion is not the concluding halacha in the Yerushalmi.

Minchas Chinuch (Mitzvah 296:15,25) concludes that according to Tosafos, the law of יהרג ואל יעבור to אבירייהו of idolatry applies only in a case where with the usage of the associated materials there is an attempt to prove or demonstrate the powers of the idolatry. He also explains the opinion of Rambam using this approach, as Rambam omits the prohibition of using branches of idolatry for medicinal purposes.

Minchas Chinuch also demonstrates that אבירייהו of murder is prohibited and is in the category of יהרג ואל יעבור. ■

en are counted towards the ten people necessary for an event to be considered “public,” one could point to our Gemara as evidence that they are counted. Ran² comments that if gentiles are obligated to sanctify Hashem’s name, an event is considered “public” if there are ten gentiles present who reject idolatry. Accordingly, since women are obligated in the mitzvah to sanctify Hashem’s name they should also be counted amongst the ten needed for an event to be considered public. This analysis clearly indicates that the qualifications to be counted in a minyan and the qualifications to be one of the ten for an event to be considered “public” are not the same. Women are not included in a minyan and yet they are counted as one of the ten for a “public” event. So too it is possible that children are not counted for a minyan but are still counted for an event to be considered public. ■

1. שו"ת יביע אומר ח"ד או"ח סי' ט' אות א' ד"ה ובהיות.

2. חידושי הר"ן לסוגייתנו. ■

STORIES Off the Daf

The price of a gift

"ואם איתא..."

The Tchebiner Rav, zt"l, was famous as a towering scholar who often could reply to seemingly unanswerable questions with ironclad proofs of original devise.

One time, Rav Yechezkel Sarna, zt"l, the Rosh Yeshiva of Chevron, had

a question for which he could find no clear answer. Naturally, when he met the Tchebiner Rav, he immediately asked him. “The verse states that one who hates gifts will live. I am unsure whether this applies only to gifts from a Jew, or even a gift from a non-Jew.”

The Tchebiner Rav immediately replied that this is only relevant to a Jew’s gift. “The Sm”a, zt"l, wonders why refraining from taking gifts should lengthen one’s life. He explains that one who accepts a gift will be unable to

give rebuke to the one who gave him the gift. If there will be a need for rebuke and he otherwise would have been able to help this person return to Hashem, this is a serious dereliction of his obligation as a Jew.

“Since Rashi in Sanhedrin 75 writes clearly that there is no mitzvah to rebuke a non-Jew, one does not violate ‘שונא מתנות יחיה’ when one takes gifts from a non-Jew.”¹ ■

1. כוכבי אור, לך-לך, תשס"ה, ע"א ■