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The Chicago Center

OVERVIEW of the Daf

1) Acquiring the labor of a captive (cont.)

The citation of Reish Lakish's teaching that a captor acquires the labor of his captive is completed.

The relevance of Reish Lakish's teaching to our question is challenged.

R' Pappa answers the challenge.

This answer is unsuccessfully challenged.

2) A slave that flees from prison

R' Shaman bar Abba in the name of R' Yochanan teaches that a Canaanite slave that fled from his idolatrous captors is free and we force his Jewish owner to write an emancipation document on his behalf.

This ruling is unsuccessfully challenged.

Two related incidents are presented.

Another incident that relates to forced emancipation is recorded which leads to a discussion between Abaye and Ravina about the parameters of the prohibition against freeing a Canaanite slave.

Abaye's position on the matter is challenged.

3) The prohibition against freeing Canaanite slaves

R' Yehudah in the name of Shmuel rules that one who frees a Canaanite slave transgresses a positive command.

This ruling is unsuccessfully challenged from an incident involving R' Eliezer.

Another explanation for R' Eliezer's practice in the previous incident is suggested and dismissed.

Rabbah writes that three transgressions cause a person to lose his wealth and one of them is freeing his Canaanite slave.

An incident is cited that relates to the last reason one loses his wealth, i.e. scheduling a meal during the time he was supposed to learn.

4) Consecrating or declaring a slave ownerless

Rabbah in the name of Rav rules that a slave goes free if his owner consecrates him.

R' Yosef in the name of Rav rules that a slave goes free if his owner declares him ownerless.

The Gemara discusses which version agrees with the ruling of the other.

The Gemara inquires whether the slave in these cases requires an emancipation document or not.

Rav is cited as ruling that an emancipation document is needed.

Different unsuccessful challenges to Rabbah ruling in the name of Rav are presented. ■

Distictive INSIGHT

The merit which leads to wealth

אמר רבה בהני תלת מילי נחתי בעלי בתים מנכסיהון...

While discussing the prohibition to release one's slaves, the Gemara cites a statement of Rabbah which is relevant to this topic. Rabbah said, "As a result of these three prohibitions people lose their possessions. Because they release their slaves, because they inspect their properties on Shabbos, and because they schedule their Shabbos meals to coincide with the hour when they should be in the Beis Midrash attending the Torah class of the rabbis."

Chidushei Rabeinu Azriel explains the connection between these three transgressions and why they lead to a person's financial ruin. In each of three instances, although the person means well, he is misappropriating assets that Hashem has given him. When a person frees his slave, he is apparently acting out of compassion and mercy, yet releasing a gentile slave is prohibited by the Torah. Similarly, strictly speaking, thinking about one's possessions and property is permitted on Shabbos, yet doing so regularly indicates that a person is technically in compliance with the letter of the law, but he has completely lost touch with the holiness of the Shabbos, the source of all blessings. Finally, participating in the meals of Shabbos is a great mitzvah, but his gesture is not ideal when it is done at the expense of spending necessary time listening to the Torah classes of the Rav. Due to these errors, the person is subject to having his financial condition ruined.

עיון יעקב notes that in each of the three examples cited, the person wishes to actually gain financially by his deeds. In the case of releasing his slave, the master wishes to save by no longer having to support his slave. When a person surveys his property on Shabbos, he hopes to gain time by taking inventory of his possessions even before the workweek begins. Finally, when a person schedules his meal to coincide with the hour when everyone else is convened to hear the Torah class of the Rav, this

(Continued on page 2)

REVIEW and Remember

1. What are the three halachos that do not follow R' Shimon ben Gamliel?

2. How dear are Jewish owned animals to idolaters?

3. What three activities cause a person to lose his wealth?

4. Why is it difficult to refute Rav from a Baraisa?

HALACHAH Highlight

The status of a young woman widowed twice

משום מילתא דאיסורא

[It is permitted to release a woman from slavery] when there is a concern that prohibited acts may be performed.

There was once a young woman who tragically became widowed from two husbands and understandably desired to marry again. The problem she faced was that Shulchan Aruch[1] rules that it is prohibited to marry a woman who was twice widowed since there is a presumption (חזקה) that her husbands die. Teshuvas Vayaged Moshe[2] suggested regarding the earlier mentioned case that since one of the husbands was old when he married this woman, his death does not put her into this category of a woman whose husbands die. Rav Ovadiah Yosef[3] cites other authorities who mention this as a rationale to refrain from putting a woman who was twice widowed into the category of one whose husbands die but he cites other authorities who write that the husband's age is not relevant. He then comments that although this matter is subject to debate one could rely on the lenient opinion when combined with other reasons to be lenient. The basis for this approach is found in the commentary of Beis Shmuel[4] to Shulchan Aruch. He writes that according to the letter of the law a woman has to be widowed three times to fall into the category of a woman whose husbands die but since the issue pertains to danger we adopt a stricter approach and put women into this category even after they were widowed only twice. When, however, there is another reason to be lenient we can allow this woman to follow the letter of the law and presume that she is not the cause of her husbands' deaths.

Rambam[5] also testifies to the custom of a particular town that does not restrict women who have been widowed twice and certainly when the woman is young they did not place any restrictions on her marrying a third husband. One of the reasons for leniency is that the alternative is that this young woman will be prohibited from marrying in the future. This circumstance raises the concern that she may choose a life of promiscuity since she will never be permitted to marry. Proof that one can adopt a lenient attitude to prevent a transgression is found in our Gemara where we are taught that it is permitted for a slave owner to release his maidservant from slavery, even though releasing her from slavery violates a positive command, in order to prevent her and others from committing transgressions. Similarly, when a woman is widowed while young there is no reason to be overly cautious when that caution could become a source for sin. ■

1. שו"ע אה"ע סי' ט' סע' א'.
2. מובא דבריו בשו"ת יביע אומר דלקמן.
3. שו"ת יביע אומר ח"ח אה"ע סי' ט"ז.
4. בית שמואל שם סק"ו.
5. שו"ת פאר הדור סי' קמ"ו. ■

(Insight. Continued from page 1)

person is avoiding to have to invite the poor and needy to share in his meal, as the community is all in attendance at the shiur.

ספר הערות points out that the Gemara (Shabbos 119a) reports that the merit by which people attained wealth in Bavel was due to their honoring of Torah scholars, and in other lands it was due to their honoring the Shabbos. This person is lacking in these merits, as he compromises the laws of Shabbos by being involved in his mundane matters, and by neglecting the honor of Torah scholars by being absent from the class. ■

STORIES Off the Daf

"I Ate, and I Will Eat Again!"

"ואחת קבע סעודתא בערב שבת..."

On today's daf we find that a wealthy family's line died out as punishment for having made elaborate meals every erev Shabbos. According to Rashi, this was because it destroyed their ability to enjoy the Shabbos seudah.

The Nodah B'Yehudah, zt"l, would make the rounds knocking on the doors of the wealthy Jewish citizens of Prague soliciting funds for the needy and for the mitzvah of redeeming captives.

One erev Shabbos the Nodah B'Yehudah knocked on the door of one of the wealthiest men in the community and requested to see the master of the house. Not surprisingly, the illustrious Rav was immediately ushered into the householder's presence—a visit from the Nodah B'Yehudah was considered a great honor. Although it was well after midday on Friday, the Rav was escorted to the dining room where the host was eating a meal fit for a king.

Even before broaching the subject of the worthy cause for which he was raising money, the Rav gently chided the baal habayis. "Did you know that it is not halachically permitted to eat such a meal this late in the day?"

"But why not?" countered the man. "If your honor would grace us with the pleasure of his company this evening, he will see me eat a sumptuous meal in honor of Shabbos with a good appetite despite my present indulgence."

"You have given me new insight into a very enigmatic Midrash," the Rav replied. "We are told that when Hashem confronted Adam with his having violated His only command and eaten from the tree of knowledge, Adam said, 'I ate and I will eat again.'

"After hearing your equivocating response I finally understand: Hashem told Adam not to eat so that he would eat with a good appetite that night. which was leil Shabbos. When Hashem rebuked Adam for not obeying, Adam replied, 'What did I do wrong? It is true that I ate, but I will still eat leil Shabbos with gusto despite my earlier indulgence!'"[1] ■

[1] מופת הדור

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