

OVERVIEW of the Daf

1) Clarifying the position of Rabanan (cont.)

R' Yochanan continues to develop the position of R' Yehudah cited in a previous Baraisa.

2) Mitzri converts

A Baraisa explains the significance of different terms used in the verse that prohibits marrying a Mitzri.

The Gemara explains the necessity of two phrases that appear in the context of the prohibition against marrying a Mitzri and a phrase that appears in the context of mamzer.

Rabbah bar bar Chanah in the name of R' Yochanan rules that a child born to a second generation male Mitzri convert and a first generation female Mitzri convert is considered a third generation Mitzri.

Two unsuccessful challenges to this ruling are presented.

A second opposite version of R' Yochanan's ruling is presented.

Abaye unsuccessfully challenges this ruling.

3) Is a fetus like the thigh of its mother?

The Gemara infers from R' Yochanan's statement that normally we do not assume that a fetus is like the thigh of the mother.

This inference is unsuccessfully challenged.

4) Genealogy of non-Jews and converts

Ravina in the name of R' Yochanan rules that the genealogy of non-Jews follows the father. If a non-Jew converts, his genealogy is determined by the greater blemish.

The first halacha is clarified from a Baraisa.

The Gemara explains how to apply the second halacha.

5) MISHNAH: The Mishnah discusses the prohibition of marrying a mamzer or Nasin.

6) Mamzeres

Reish Lakish rules that a mamzeres is permitted to marry into the congregation after ten generations.

This ruling is unsuccessfully challenged.

When asked whether a mamzeres could marry after ten generations, R' Elazar gave the impression that mamzerim do not live long.

This assertion is successfully challenged and the Gemara distinguishes between different categories of mamzerim.

A related incident is recorded.

7) Nesinim

R' Chana bar Adda states that Dovid Hamelech prohibited marrying Nesinim and presents the historical background for the enactment. ■

Gemara GEM

The trait of worry

אמר אין הדבר תלוי אלא בי מיד ויבקש דוי את פני ה'

The Gemara relates the story of the terrible famine which gripped the Jewish people for three years during the days of Dovid Hamelech. As King, Dovid approached the suffering of the people and tried to solve it. He analyzed the root of the problem to determine which sin led to this suffering, until he realized that it was due to himself.

Based upon this incident and the response of King Dovid, Sefer **אורחות צדיקים** expounds upon the Trait of Worry (Concern), the Tenth Gate. He writes that in every case of mishap, a person must contemplate the possibility that he might have contributed to it. If one enjoys good fortune and tranquility, he should worry that he may be consuming his World-to-Come reward in this world. If one suffers poverty and afflictions, he must worry that they are the fruits of his sins, and that the principle punishment is yet stored up for him in the World-to-Come; and if they deter him from Torah study, he must worry even more. If he is wise in Torah, he must worry that his deeds are not commensurate with his wisdom; and if he is not, he must worry about not having the ability to probe the roots of saintliness. If he is honored, he must be heedful not to rejoice in that honor, but must worry that he is consuming his reward through it. If he is wise and yet despised in the eyes of the world, he should rejoice in this, but he must worry that his being despised will prevent people from accepting his rebuke. ■

REVIEW and Remember

1. Why does the Torah use the term **בנים** in addition to the term **דור**?
2. What does the expression, "I saw your head between the pillars" mean?
3. According to Reish Lakish, is it ever permitted to marry the descendant of a mamzer?
4. In what way did Shaul kill the Giv'onim?

HALACHAH Highlight

Aborting a mamzer

וכן אמר ר' הונא ממזר לא חי

R' Huna also said that a mamzer does not live.

There was once a married woman who had an adulterous affair which she bitterly regretted. She cried for days after, told her husband about what she did and asked her Rov about the procedures for doing teshuva. One of the questions she raised was the concern that she possibly became pregnant from the affair and inquired whether it is permissible to drink something that would flush her system of any sperm. Rav Yair Chaim Bachrach¹, the Chavos Yair, wrote that Biblically a mamzer has all the rights and privileges of a Jew except for marriage and sitting on Sanhedrin. Rabbinically, we do not pray at the mamzer's bris that Hashem should grant existence to the mamzer² but there is no source that would indicate that it should be permitted to abort a mamzer. Furthermore, the Gemara Horayos³ states that a mamzer who is a Torah scholar is redeemed before a Kohen Gadol who is ignorant of Torah. In accordance with this approach he prohibited aborting the fetus.

Rav Yaakov Emden⁴, on the other hand, writes that it is permitted to abort the fetus of a mamzer from the adulterous affair of a married woman. The reason is that the mother is

guilty of a capital crime and if convicted she would be executed even if she was pregnant. This indicates that the baby deserves to be killed but due to various technicalities the execution cannot be carried out. The adulterous woman, however, knows with certainty that she is guilty and deserves the death penalty; thus if she were to abort the fetus it cannot be said that she violated a prohibition. Rav Moshe Feinstein⁵ strongly disagreed with this ruling and refused to recognize its validity. Rav Shmuel Halevi Wosner⁶, the Shevet Halevi, notes that the ruling of Rav Emden would not apply to a woman who became pregnant from a non-Jew. The ruling of Rav Emden hinges on the fact that the adulterous woman deserves to be killed, and having relations with a non-Jew does not carry the death penalty.

Rav Yosef Chaim of Baghdad⁷, the Ben Ish Chai, was asked about aborting the fetus of a woman who had an adulterous affair. After citing the opinions of Chavos Yair and Rav Emden, he declared that he did not wish to issue a response about the matter, neither positive nor negative, and that the guidance of a local scholar should be sought. ■

1. שו"ת חות יאיר סי' ל"א
2. ע' שו"ע יו"ד סי' רס"ה סע' ד'
3. גמ' הוריות יג
4. שו"ת שאלת יעב"ץ ח"א סי' מ"ג
5. שו"ת אג"מ ח"מ ח"ב סי' ס"ט
6. שו"ת שבט הלוי ח"ה סי' קצ"ה
7. שו"ת רב פעלים ח"א אה"ע סי' ד' ■

STORIES Off the Daf

Rebuke and praise

בקשו את ה' כל ענוי ארץ אשר משפטו פעלו
באשר משפטו שם פעלו

One time Rav Yisroel Salanter, zt"l, was traveling to Vilna and had brought a sum of money for one of the Rabbonim of the town. Much to this Rav's surprise, Rav Yisroel brought the money to him personally.

After the local Rav received Rav Yisroel, he said in the respectful third person, "I don't understand. Why didn't the Rebbe send for me to come and get the money as is customary? Why did the Rebbe trouble himself to come to me?"

Rav Yisroel's answer surprised the local Rav even more than his actions had. He said, "You are correct. Under

ordinary circumstances, I would have sent for you, but since I must rebuke you about something that you've done, I must first honor you. This way, you will be able to accept my rebuke."

Befuddled, the local Rav asked, "What does one thing have to do with the other?"

Rav Yisroel answered, "This is a straightforward Gemara!"

In those days, every Rav in Lithuania had a broad and clear understanding of Shas. Even in the late 1920's, any Rav in Lithuania who was caught lacking a clear and immediate understanding of any Tosafos in Shas was summarily dismissed. The local Rav therefore said confidently, "Where is there such a Gemara? I don't remember any such Gemara!"

Rav Yisroel explained, "The Gemara is in Yevamos 78b. We find there that the three-year famine that took place dur-

ing the time of Dovid HaMelech was due to Shaul's not being properly eulogized and because Shaul deprived the Givonim of their great merit in assisting the Kohanim of Nov. When he killed the Kohanim, he also destroyed the Givonim in a sense. We find a question there: why did Hashem punish the Jewish people for not eulogizing Shaul properly if He also brought retribution for his sin? Reish Lakish answers that when Hashem judges a person, He also recounts his achievements. Rashi explains the famine was punishment for Shaul's sin and also for the sin of not mentioning his merits, since these two are generally recalled together.

Rav Yisroel concluded, "And now you know why I came to you—because I must recount your worthiness before I chastise you!" ■

