

Daf Notes

Insights into the Daily Daf

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Daily Daf

Fine and Damages for Rape

The *Gemora* offers two final sources that teach that one must pay the regular damages (*of shame and depreciation*) when raping a young girl, in addition to the fine mandated by the verse:

1. The verse states that he must pay the fine “*in exchange for his forcing her,*” implying that the fine only addresses the forcing, but not other damages. (Abaye)
2. The verse states that the “*man who slept with her*” must pay the fine, implying that the fine is purely for the benefit he had, but not for any other damages. (Rava) (15a)

Libeling a Wife

The *Mishna* says that there are lenient and strict aspects to one who libels his wife, by falsely accusing her of adultery. The husband pays the same 100 *se'la*, whether his wife is from the most respected family of *Kohanim* (*and is more shamed*), or she is from the lowest of any Jewish family (*and is less shamed*). In addition, this case shows that one who damages with his mouth is more severe than one who does a damaging act, as one who libels pays more than one who rapes.

We similarly find that our ancestors in the Wilderness were only finally condemned to a punishment when they maligned *Eretz Yisroel*, a sin by speech.

The *Gemora* asks how we know that one who libels is more severe because of the damage of speech. Perhaps he must pay more because he tried to have her executed, as he claims that she violated a capital offense. Rava answers that the verse explicitly states that he must pay, “*because he maligned*”, indicating that this is the reason for his fine. (15a)

Negative Speech

The *Gemora* cites a *braisa*, in which Rabbi Elozar ben Parta says that we can learn how severe the sin of negative speech is from the spies in the desert. If they were so severely punished for speaking negatively about inanimate objects like land, then surely one who speaks negatively about his friend will be severely punished.

The *Gemora* says that although Rabbi Chanina bar Pappa says that the spies blasphemed, by stating that the nations in the land were mightier than Hashem Himself, their punishment was for their negative speech, as the verse says that the men “*who maligned the land*” died. (15a)

The Trials in the Wilderness

The *Gemora* cites a *braisa* in which Rabbi Yehudah says that our ancestors in the Wilderness tested Hashem 10 times: twice on the Red Sea, twice about water, twice about the man food, twice about the *slav* bird, once with the golden calf, and once in the Paran desert.

The *Gemora* details the ten:

1. Two on the Red Sea
 - a. Once on their way in, when they sarcastically complained to Moshe that perhaps he took them to die in the Wilderness, due to a lack of graves in Egypt.
 - b. Once on their way out, when they speculated that the Egyptians also came out of the sea somewhere else, exhibiting a lack of faith in Hashem. Rabbah bar Mari says that to dispel this doubt, Hashem commanded the sea to expel the Egyptians' corpses on the shore to show the Jews. The sea objected, as it is unfair for a Master to take back a gift he already gave. Hashem responded that He will pay back 1½ times this gift later, and the Kishon stream will be the guarantor, when it will wash away the larger army of Sisra in the times of Devorah.
2. Two about water
 - a. In Marah, the Jews complained when they had no water.
 - b. In Refidim, the Jews complained when they had no water.
3. Two about man
 - a. The Jews were commanded not to go out to collect *manna* on Shabbos, but they did.
 - b. The Jews were commanded not to leave over any man overnight, but they did.
4. Two about the *slav* bird
 - a. At the beginning of the journey in the Wilderness, they complained about the

lack of meat, and Hashem sent *slav* birds.

- b. They later again complained about a lack of meat, and Hashem sent them more *slav* birds.

5. The golden calf
6. In the Paran Wilderness, when the spies maligned *Eretz Yisroel*. (15a – 15b)

Negative Speech

The *Gemora* proceeds to discuss more about negative speech, starting with statements of Rabbi Yossi ben Zimra, quoted by Rabbi Yochanan:

1. The verse rhetorically asks “*what will he give to you, and what will he add, a crooked tongue?*” He explains that Hashem says to the tongue that He degraded and sheltered the tongue by making it the only organ in the body which is prone and hidden behind two partitions, the lips and teeth. The verse is asking, what else can He do to protect one from the tongue becoming a crooked one?
2. One who speaks negatively is effectively blaspheming, as the verse refers to such people rhetorically asking “*with our tongue, we will be strong, our tongue is with us, who will be master to us?*” implying that they do not accept any master.
3. Someone who speaks negatively is punished with plagues (*i.e., tzara'as – leprosy*). He proves this from the verse which says that Hashem says *atzmis – I will terminate* someone who privately speaks ill of his friend. The word *atzmis* is similar to the word *litzmisus – forever*, which is translated in Aramai as *lachelutin – absolutely*, and one whose plague is ruled impure is referred to a *muchlat – decided*.

The *Gemora* then cites statements of Rish Lakish:

1. The verse which refers to the laws of the *metzora – leper* can be read as the laws of *motzi shem ra – one who maligns*.

2. The verse which states “*will the snake bite without venom, and there is no gain to the master of the tongue,*” refers to the future, in which all the creatures will gather and challenge the snake. While all other predators enjoy their prey, why does the snake kill, with no pleasure? He will answer that they should look at one who speaks negatively, who also sins, with no pleasure.
3. One who speaks negatively has accumulated sins up to the heavens, as the verse states “their mouths were placed in the heavens, and their tongues advance on the land”

The *Gemora* then cites statements of Rav Chisda in the name of Mar Ukva:

1. If one speaks negatively, it is fitting to stone him, as the word *atzmis* used in reference to negative speech is also used in the verse which states “*tzamsu – they terminated my life in the pit, and they threw a stone at me.*”
2. If one speaks negatively, Hashem says that He cannot dwell with him in the world, as the verse says that “one who privately maligns his friend, I will terminate him, one with high eyes and a wide heart, *oso – with him, I cannot*”. The word *oso* can also be read as *ito – with him*, making the verse state that Hashem says I cannot [dwell] with him. Some say this statement is about haughty people, as the verse refers to those with high eyes.
3. If one speaks negatively, Hashem says that He will judge the speaker from on top, and the minister of *Gehinnom* from below, as the verse says that “*chitzai – the arrows of the mighty are sharp, with the coals of resamim*”. The word *chaitz – arrow* refers to one’s tongue, the mighty refers to Hashem, and the coals of *resamim* refer to *Gehinnom*.

Rabbi Chama the son of Rabbi Chanina says that the way to correct negative speech is to learn Torah, as the verse says that the healing for a tongue is the tree of life, a reference to Torah. If one is ignorant, he should lower

himself, as the verse says that one who erred and wants to correct it should “break [his] spirit”.

Rabbi Acha the son of Rabbi Chanina explains that if one already spoke negatively, there is no way to correct it, as King Dovid already condemned him, with the verse that states that Hashem will terminate such people, but this correction is referring to how one can avoid coming to negative speech.

A *braisa* taught in Rabbi Yishmael’s study hall states that anyone who speaks negatively has accumulated sins as severe as the three severe sins of idolatry, immorality, and murder. The verse refers to negative speech as a tongue that speaks “*gedolos – large items*”, and all of the severe sins are referred to as *gadol – large*. Although the verse refers to *gedolos*, which may be only two of the sins, we have no reason to exclude any one of the three.

In *Eretz Yisroel* they would say that the tongue is a third party (*that tells someone about what someone else said about him*) can kill three people – the person who told, the person who heard, and the person who brought the report back.

Rabbi Chama the son of Rabbi Chanina asks that the verse means, when it says that death and life are in the hands of the tongue, as the tongue has no hand. He explains that just as a hand can kill, so a tongue can kill. Although a hand can only kill someone directly adjacent to it, a tongue can kill far away, as the verse compares it to an arrow. It can even kill across the world, as the verse also states that it goes throughout the land. The verse still compares it to an arrow, since both can kill. The original verse cited, which says that death and life are in the hand of the tongue, teaches that if one wishes to live, he may use his tongue (*to learn Torah*), and if one wishes to die, he may use his tongue (*to speak negatively*).

The *Gemora* says an example of negative speech is one who says “there’s a fire burning [i.e., hot food] in so-and-so’s house.”

Abaye asks what is negative in that statement, as he's simply reporting facts.

The *Gemora* explains that it is negative if he says it negatively, as in "who else would have a fire burning in the oven, aside from so-and-so [who has so much food]."

Rabbah says that anything that one says in front of the person is not considered negative speech.

Abaye challenges this, as it is even more brazen to do this.

Rabbah answers that he is following Rabbi Yossi, who says that he never said something which he had to recant in front of the person.

Rabbah bar Rav Huna says that anything said in front of three is not considered negative speech, since these three will definitely make it public knowledge, through multiple levels of contacts. (15b – 16a)

INSIGHTS TO THE DAF

The Prohibition of Lashon Hara'

By: Meoros HaDaf HaYomi

This week Daf HaYomi learners will engage in the major *sugya* in *Shas* pertaining to the prohibition of *lashon hara'* and *rechilus*, which constitutes a cornerstone for these halachos, as attested in the works *Chafetz Chayim* and *Shemiras HaLashon*, much of which are based on our *sugya*.

Why did *Shulchan 'Aruch* ignore the halachos of *lashon hara'*? Our *Gemora* emphasizes the severity of this prohibition, compared to idolatry, immoral behavior and murder! Thus the question arises as to why the halachos of *lashon hara'* are not mentioned in *Shulchan 'Aruch*. The answer must send a chill through every Jew: in

former times this prohibition was so obvious that there was no need to write it down... For example, *Shulchan 'Aruch* doesn't mention that it is forbidden to eat pork. Both topics aren't in it because everyone knows it (Responsa *Shevet HaKehasi*, II, 321). Apropos, Rambam writes (in his commentary on the *Mishnah*, Menachos, Ch. 4) that for this reason, Rebbi didn't include the halachos of *tefillin* and *mezuzah* in the *Mishna*, as they were well known by all.

Immersion in a *mikveh* after *lashon hara'*: Since then the generations have deteriorated and a vital need has arisen to learn the halachos of *lashon hara'*. Some wrote that the sorry situation constitutes a reason in itself to justify those who immerse in a *mikveh* every day. The author of *Or Zarua'* wrote (*Hilchos Shliach Tzibur*, 112) that a person who sinned and repents must immerse in a *mikveh*. As the pitfall of *lashon hara'* is now common and before sleep everyone confesses and regrets his actions, he becomes a penitent and immersion befits him the next morning (*Leket HaKemach HeChadash*, 53, S.K. 46).

Let us examine the essence of the prohibition of *lashon hara'*.

Why it's forbidden to steal "for a beneficial purpose" but permitted to tell *lashon hara'* "for a beneficial purpose: The prohibition of *lashon hara'* features a very interesting type of concession. While the prohibition is as severe as any other, it is permitted to tell *lashon hara' leto'eles* - for a good purpose, as explained at length in the halachah works dealing with the topic. Would anyone imagine that it is permitted to steal or cause damage for a beneficial purpose? How is the prohibition of *lashon hara'* any different? We must conclude that we lack an important basic understanding of the prohibition of *lashon hara'*.

Rambam wrote (*Hilchos Dei'os* 9:5): "The same applies whether one tells *lashon hara'* in his companion's presence or in his absence. He who tells things that if heard from one to another would harm another in his body or property or even hurt him or frighten him, this is *lashon hara'*." We thus learn that the prohibition of

lashon hara' is to tell things which might harm another. What is "harm"? The Torah also defines this and if the telling is done for a good purpose, it is not considered causing harm. We can understand this according to the words of the Chafetz Chayim zt"l (*Rechilus, kelal 9, S.K. 9*). The Chafetz Chayim writes that if Reuven found out that a shopkeeper wants to employ a worker who stole products from his previous workplace, he must inform the shopkeeper of such. However, if the shopkeeper would misunderstand and suspect him of other things that don't apply to him, it is forbidden to inform him of the worker's past. Although the worker is indeed unfit to work in the shop as long as he doesn't repent and therefore the teller doesn't cause him any harm as that is truly not his place. Nonetheless, the teller is not allowed to tell the things if they will cause him evil in areas where he is not guilty, for that is causing damage. (We should mention that even to tell *lashon hara'* for a good purpose, one must fulfill other conditions explained in *Chafetz Chayim, Hilchos Lashon HaRa', klal 10* and in *Hilchos Rechilus, klal 9*).

Those in the Street Will Talk About Me

Ancient works say that the merits and mitzvos of the person who tells *lashon hara'* pass to the person about whom he is speaking. Some thus interpreted King David's statement in Tehilim (69:13): "Those in the street will talk about me I was the tunes of those who drink wine." Why does he mention the character of those who spoke *lashon hara'*? However, he was complaining: I would concede if *tzadikim* were speaking about me, but those in the street and drinkers of wine – what merits do they have? I don't even have this profit from them (Tehilim, *Kerem Chemed*).

DAILY MASHAL

Why Is Matchmaking Like Splitting the Sea?

Tosfos (s.v. *Keshem*) cited the Rishonim's opinion that the Jews' route on dry land in the Red Sea did not pass from one coast to the other but only turned about like the letter *ches*. According to this, we can well interpret Chazal's dictum that "matchmaking is as hard as splitting the Red Sea". The Jews passed through the sea in 12 paths for the 12 tribes. As the route turned round in a semi-circle, the tribe on the outside traveled more than the others. We thus say that everyone passes through the sea but some come the long way and some come the short way and the same applies to *shiduchim*.