



## IMPORTANCE OF ....

The *Gemara* (*Yevamos* 24a) states that although throughout the *Torah* we follow the rule that a *Posuk* never departs entirely from its plain meaning, an exception exists in the case of the *Posuk*: יקום על שם אחיו המת, where the literal meaning would have required that the first son born to a *Yavam* and a *Yevamah* be named for the *Yavam*'s deceased brother. Instead, the *Gemara* establishes that the *Posuk* is speaking of inheritance, saying that the one who performs the *Yibum* inherits the deceased's property. Why didn't *Chazal* allow the plain meaning of the *Posuk* to apply as well? The *Yalkut HaGershuni* proves from here that the *Yavam* should not name his son after the deceased brother, whose childless death indicates that his *Mazel* may have been impaired. The *Ramban* notes that the son of Boaz and Rus was not named Machlon, and the *Sforno* derives from ולא ימחה שמו that the *Posuk* which refers to "הבכור אשר תלד" is stating in essence only that the firstborn of the *Yavam* will be "credited" to the deceased brother as fulfillment of his *mitzvah* of procreation, since its birth was the result of the deceased's original marriage. The *Yalkut* further suggests that the impaired *Mazel* is that *Mazel* which controls בני חיי ומזוני. Does this mean that one should not name one's child after someone who had been sick or poor all his life? The *Afarkasta D'Anyah* (1:101) holds that one should be careful when considering a name after one who had been wracked with *Yisurin* during his lifetime, but as to poverty, one should not be concerned as it is quite common, affecting most people.

## QUESTION OF THE WEEK:

The *Shulchan Aruch* (י"ד 240:17) rules that a wife need not honor her father if to do so conflicts with her obligations to her husband. However, the *Halacha* (*ibid* 240:24) states that a man is obligated to honor his father-in-law. If so, since the husband must also honor her father, how could he create/allow any conflict?

## ANSWER TO LAST WEEK:

(Where is there a *Mekor* for "FrumSpeak"?)

The *Chasam Sofer* (אה"ע 2:11) states that although *Chazal* knew (Latin or) other languages, they "corrupted" them when speaking, to comply with the 18 decrees promulgated in the *Yerushalmi* (*Shabbos* 1:3) which included "גזרו על לשונם". They did not speak *Lashon HaKodesh* because of the idolatry and *Tum'ah* in *Chutz LaAretz*. (see *Chasam Sofer* to *Shulchan Aruch* א"ר"ח 85)

## DIN'S CORNER:

If one accepted generally to fast on the days of *BaHaB* (after *Pesach* and *Succos*) or during the *Aseres Yemai Teshuvah* because it is customary in his area, but he did not explicitly accept the fast upon himself the day before during *Mincha*, he may participate in a *Seudas Mitzvah* such as a *Bris* or *Pidyon HaBen* without requiring a התרה, as the general *minhag* to fast on these days does not apply to a *Seudas Mitzvah*. (*Kitzur* 127:14)

## DID YOU KNOW THAT ....

The *Gemara* (*Sanhedrin* 73a) states that we derive the rule that a *Rodef* (one who pursues another with intent to kill) should himself be killed to prevent the murder, with a *Kal V'Chomer* from the case of a betrothed woman being chased by an attacker. Since the *Torah* requires that she be saved, even at the cost of her attacker's life, certainly a would-be murder victim should be saved at the cost of the murderer's life. However, the *Gemara* rejects this, in light of the rule: אין עונשין מן הדין – one may not derive punishments through a *Kal V'Chomer*. The derivation is then made by use of a *Hekeish* – an analogy to the betrothed woman, regarding whom the *Torah* states ואין מושיע לה – she had no savior. This means that if someone had come along to save her, he would have been required to do so at any cost, including killing her attacker. However, if the goal in killing the *Rodef* is to save the woman, then it is not really a "punishment" for the *Rodef* at all. The *Rodef* hasn't done anything yet, and we're only trying to protect his would-be victim. If so, why does the *Gemara* have a problem with using a *Kal V'Chomer*, saying: אין עונשין מן הדין?! There is a *Machlokes* in the *Mishna* (*ibid*) regarding who is actually being saved. *Rashi* says that the *Rodef*'s death saves the *Rodef* from doing the *aveirah*, while the *Rambam* says it is the *Nirdaf* (victim) who is being saved. The *Brisker Rav* (*GriZ*) establishes that the *Halacha* which absolves one of liability for killing the *Rodef* (אין לו דמים) gives a *Rodef* the status of a dead man, and is separate from the *Halacha* requiring one to save the would-be victim. Thus, if the *Rodef* was a minor, he would not be deemed a dead man, but there would still be an imperative to save the victim. As such, the *Heter* to blamelessly kill a *Rodef* may be seen as both a punishment for him, as well as a potential means of saving a victim, thus disallowing a *Kal V'Chomer*.

## A Lesson Can Be Learned From:

A man who feared for his life left town late one night, seemingly a step ahead of his pursuers. He settled in another town, and kept a low profile. After some time, his wife, who was left behind essentially as an *Agunah*, hired someone to go find him and arrange a *Get* from him. She promised him 30 rubles for his trouble, and an additional 30 if he found the husband. The *Shliach* found the husband and arranged to be a שליח להולכה to deliver the *Get*. A few years later, the husband wished to remarry. He came before the *Beis Din* of the *Noda BiYehuda* and related his story. The *Bais Din* rebuffed him, stating that he had left his wife in such a difficult financial situation that she probably did not have the money to pay the *Shliach* when he came to deliver her the *Get*. The husband later went to a *Beis Din* of the *Divrei Chaim* (*Sanzer Rav*) whose *Dayanim* rejected the *Noda BiYehuda*'s arguments, and concluded that one may use the rule of עושה שליחותו here, since the husband must only overcome the *Cherem* of R. *Gershom* in order to remarry. However, the *Divrei Chaim* was uneasy about his *Beis Din*'s decision, so he sent someone to the wife's town, quite a distance away. There, he discovered that the woman had not received her *Get*, exactly as, and for the reasons, stated by the *Noda BiYehuda*.

**P.S.** Sholosh Seudos sponsored this week by the Tyberg family.

This issue is dedicated:

לז"נ פערל ב"ר יצחק הלוי

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