

19.04.12

(על דבר זה ידו כל הדווים) 81b → (משנה יב) 80b

1. **כי יסיתך אחיך בן אמה** או בנה או בתך או אשת חיקך או רעהך אשר כנפשה בסתור לאמר נלכה ונעבדה אלהים אחרים אשר לא ידעת אתה ואבתיך: דברים יג, ז
 2. מה יתאונן אדם חי גבר על חטאיו: איכה ג, לט
 3. **אל בני כי לוא טובה השמעה** אשר אנכי שמע מעברים עם ה': שמואל א ב, כד
 4. ואם הפר יפר אתם אישה ביום שמעו כל מוצא שפתייה לנדריה ולאסר נפשה לא יקום אישה הפרם וה' יקלח לה: במדבר ל, יג
 5. ואם נפש כי תחטא ועשתה אחת מכל מצות ה' אשר לא תעשינה ולא ידע ואשם ונשא עונו: ויקרא ה, יז

I איסור ייחוד: משנה יב

- a Allusion to איסור ייחוד in v. 1 – the son may be in seclusion with his mother, but not other עריות
 i פשט of אמך בן אמך: *not only* a paternal brother who may want to mislead him, to get him “out of the way” re: ירושה
 1 *But even*: אם בן אמך who doesn't have that motivation, perhaps he should heed him – קמ”ל
 b ת”ק: a man may not be in seclusion with two women
 i *reason*: women are more easily seduced, even in company of other woman
 ii *note*: this seems to be *contra* opinion of אבא שאול who allows 1 man and 2 women to be involved in burial (of child)
 1 *refutation*: אבא שאול may feel that at times of mourning, יצה”ר is weaker
 (a) *dissent*: רבנן, who disallow 1 man and 2 women even during אנינות – as per v. 2
 (b) *Response*: אבא שאול applies this verse to someone who complains against ה'
 (c) *Counter*: as per story (about woman who mourned too much which led to death of her sons)
 c ר”ש: a man may also be in seclusion with two women, as long as his wife is with him
 d *consensus*: a woman may be in seclusion with two men
 i *limitation*: only if the men are כשרים – but if they are licentious, even many of them constitute a violation of ייחוד
 1 *possible support*: rule of escort for סוטה and her husband to ירושלים – 2 ת”ח – (כשרים)
 (a) *deflection*: we require 2 ת”ח so that they can issue proper התראה in case he wants to have relations w/her
 ii *limitation*: only in city; on road, require 3 (if one needs to relieve himself, there'll still be 2 with her)
 1 *possible support*: as above (2 escorts + husband = 3)
 (a) *deflection*: 2 outsiders needed to be able to testify if there is a violation
 iii in addition: they may lodge together, as his wife guards him
 e a man may be in seclusion with his mother or daughter and may sleep with them
 i when one of them is young – without clothes
 ii when they are both of age – with clothes

II Consequences and limitations of violation of ייחוד איסור

- a רב: we give מלקות but don't ban (a woman) as a result of ייחוד
 i רב אשי: this only applies to single women; we don't give מלקות to an איש as not to besmirch her children
 ii מר זוטרא would give מלקות and then announce that she is not banned and her children are כשרים
 1 רב אשי: concern that some will hear about the מלקות but not hear about the subsequent announcement
 iii *tangent*: רב - we give מלקות for “bad reputation” (as per v. 3) – it would be announced as the reason
 b *Limitation* (רבנן): if a man is in town, seclusion with his wife isn't a violation of ייחוד
 i *Exception*: if the two are very friendly, seclusion is still a violation (רב ביבי)
 c *Limitation* (ר' יוסף): if the door is open to the public area, it's not a violation (not considered seclusion)
 d *Circumstance*: men and women in inside/outside rooms:
 i דב כהנא: if men are in outside room, not a problem (inverse - problem)
 ii ברייתא: if men are in inside room, not a problem (inverse – problem) *ברייתא* was stringent and avoided both circumstances
 e *stories*: of devices used by אמוראים to keep men and women separate at festive occasions
 f *stories*: of אמוראים who were tempted to violate עריות and were saved
 g *story*: פלימו and the שטן – and his despondency over having desired what he thought was another woman (was really his wife) – and applied v. 4 to himself, as ר”ע would propound re: someone who desires to violate the law but inadvertently doesn't do so (because, here, her husband repudiated her vow) – ק”ו to someone who is successful in violating the law
 i *Tangent*: homily of ר”ע on v. 5, underscoring severity of inadvertent violation – ק”ו to a deliberate one.