

The Weekly Daf



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Erachin 21-27

Week of 22-28 Adar II 5757 / 31 March-6 April 1997
Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud
studied in the course of the worldwide Daf Yomi cycle

Coercion or Liberation?

If a Jew made a pledge of *erachin* (the sum of money fixed by the Torah according to the gender and age of the person pledging his value or that of another Jew), and refuses to honor this pledge, the court seizes his property to enforce payment. Judicial pressure is similarly applied in regard to a pledge made of a voluntary sacrifice such as *olah* or *shlamim*.

The final example of coercion listed in the *Mishnah* is the Jew who is required by law to grant his wife a divorce but refuses to do so. He is pressured until he complies by saying "I wish to do so."

If a divorce is only valid when the man grants it because he wishes to, how can an induced will be sufficient?

Rambam (*Laws of Divorce* 2:20) supplies the following explanation:

We consider pressure as coercion only if one is forced to do something which he is not obligated to do by Torah law, such as selling or giving a gift. But one who has been incited by his evil inclination to put aside the performance of a positive command or to transgress a prohibition and is pressured until he performs that mitzvah or desists from that transgression cannot be considered the victim of coercion, for it is he who has coerced himself through his perverse attitude. Our perspective of the Jew who refuses to grant the divorce required by Torah law is as a man who still wished to remain a Jew and to perform all the *mitzvos* and refrain from all transgressions, but has been overcome by his evil inclination. The pressure exerted upon him until this evil inclination is subdued (and he is liberated from its coercive influence) and he declares "I wish to do so" is therefore not considered coercion, and the granting of the divorce is viewed as an expression of his genuine free will.

Erachin 21a

A Better Debtor

Payment of a debt, says Rabbi Papa, is a mitzvah.

When a person lends another person money, that money becomes the property of the borrower who now has the responsibility of repaying the debt. Failure to do so cannot, therefore, come under the category of theft. What do we find in our sources regarding the fulfillment of the borrower's responsibility?

"It is forbidden for the borrower to hold on to money which he owes and to tell his creditor to come back another time. It is also forbidden to borrow money needlessly and then spend it so that the creditor has no means of collection. Even if the creditor is a wealthy man, such a borrower is considered a wicked person, as it is written (*Tehillim* 37:21) "The wicked person borrows and does not repay." Our Sages (*Avos* 2:17) have warned us that the money of another should be as dear to us as our own."

Rambam (*Laws of Creditor & Borrower* 1:3)

"If one has a claim of a debt but is not able to collect from the borrower because he is a powerful person that borrower is guilty of violating the Torah prohibition of "You shall not defraud" (*Vayikra* 19:13).

Rambam (*Laws of Robbery & Loss* 1:4)

What is the source for the mitzvah mentioned by Rabbi Papa? Rashi (*Kesubos* 86a) cites a Talmudic source (*Bava Metzia* 49a) based on a passage in the Torah (*Vayikra* 19:36) requiring us to have honest weights. "Your *hin* (a dry weight) should be just," says the Torah, and our Sages see this as being superfluous since we have already been warned in regard to honest weights in the preceding word of the passage. They therefore conclude that we should read it as "Your *hein* (Hebrew for "yes") should be just," and that you must honor your verbal pledge to repay your debt.

Erachin 22a

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