

Zera Shimshon

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Chapter IV: Vaveira (Gen. 18:1–22:24)

Essay 18. Sending away Ishmael

“She said to Abraham, ‘Cast out that slave-woman and her son, for the son of that slave-woman shall not inherit with my son Isaac.’ The matter distressed Abraham greatly, for it concerned a son of his. But G-d said to Abraham, ‘Do not be distressed over the boy or your slave-woman; whatever Sarah tells you, do as she says, for it is through Isaac that your offspring shall be named.’ ” – Gen. 21:10–12

פסוק "גרש האמה הזאת" וכו' "כי לא יירש" וכו', וכי שרה הייתה כל כך חומדת אל המון. ועוד המפרשים מקשים שאם יגרשונו עתה מה יועיל, הלא פשימות אברהם יחזור לבוא לתבוע ירושתו. ועוד מהו "וירע הדבר מאד", ומהו "כי ביצחק יקרא".

Regarding the verse, **“Cast out that maidservant and her son, for the son of that maidservant shall not inherit,”** etc. We need to check the reason that is given, **“for the son of that maidservant shall not inherit”** etc., for was Sarah so greedy for the money? Also, the commentators question that even if he would send him away not, how would it benefit him, for when Abraham would die, wouldn't he return to claim his inheritance? Also, what is this, **“The matter distressed Abraham greatly,”** and what is this **“for it is through Isaac that your offspring shall be named”**?

ויובן במחלוקת הגאונים בענין הבא אל שפחתו אם הנולד עבד או בן חורין, ושהרי"ף ספוקי מספקא ליה ואזיל לחומרא בכל מידי דאיסורא, ולענין ממונא לא ירית ליה דהמוציא מחברו עליו הראיה. והרמב"ם פסק בפירק יוד מהלכות גירושין ובפירק ט' מהלכות עבדים שהנולד עבד, אלא שבפירק ד' מהלכות נחלות פתב שאם זה האב הוא תלמיד חכם או אדם פשוט ונוהג מנהג בניי הנולד לו משפחתו, הרי זה יירשנו. והרב המגיד האריך שם והביא דעת הרי"ף, וכתב ששעם הרמב"ם בדין הגירושא הוא משום שהתורה נתנה רשות לאב להנחיל וכו' ועיי"ש.

This can be understood from the dispute between Geonim no the matter of one who impregnates his slave: if the child born from her is a slave or a free man. The Rif, in chapter 4 of Yevamot, is uncertain, and so is inclined to be strict in all matters of prohibitions, and for monetary matters, he holds that [the child] does not inherit, because one who wants to take

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away from his friend must bring proof. As there is halachic uncertainty if the child is considered a legal son, he cannot claim a portion of the estate.

The Rambam ruled in the 10th chapter of the Laws of Divorce (halacha 19), and in the 9th chapter of the Laws of Slaves (halacha 1) that the child is a slave. However, in the 4th chapter of the Laws of Inheritances (halacha 6), he wrote that if the father is a Torah scholar, or a respectable figure, and he treats [the child] like a son, then the child from his slave-woman inherits from him.

The Rav Ha-Maggid¹ expounds at length there and brings the opinion of the Rif, and writes that the reason of the Rambam in this case of inheritance is because the Torah gave permission for the father to provide an inheritance, etc., and see there.

ומעתה נבוא לביאור הפסוקים, שפוננת שרה היתה שישמעאל ובניו לא יזכו בירושת הארץ, שפבר הבטיח הקב"ה לאברהם "לזרעה נתתי" וכו'. ומשום הכי אמרה לו "גרש האמה הזאת ואת-בנה", כדעת הרי"ף, ואף דאזלינו לחומרא ככל מידי דאיסורא, "כי לא יירש בן-האמה הזאת" דלעגן ממונא לא גרית ליה. וכשתהיה עדות זו בעולם שאברהם גרשו מביתו, אי אפשר שיבא ישמעאל אחר שימות אברהם לתבוע חלק ירושתו, אמנם "יגרע הדבר מאד בעיני אברהם על אודת בנו", שאם היה מגרש אותו לא היה נחשב עוד בנו.

Now we'll come to an understanding of the verses, that the intent of Sarah was that Ishmael and his sons would not merit in the inheritance of the Land, that the Holy One, Blessed be He, had already promised to Abraham, "To your offspring I will give this Land."² Because of this, she said to him, "Cast out that slave-woman and her son," according to the opinion of the Rif, who is inclined to be strict in all matters of prohibitions, and in the matter of money he holds that one who wants to take away from his friend must bring proof. When this evidence would be known in the world, that Abraham sent him away from his house, it would be impossible for Ishmael to come after Abraham died to claim a portion of his inheritance. However, "The matter distressed Abraham greatly, for it concerned a son of his," for if he would send him away, he would no longer be considered his son.

והקב"ה פדי להניח מקום למחלוקת הפוסקים ז"ל שאלו ואלו דברי אלהים חיים, לא אמר "על-בנה ועל-אמתך" או "על-אמתך ועל-בנה", אלא אמר סתם "על-הנער ועל-אמתך". ואף שלפי סברת הרמב"ם הנה יכול לירש עם יצחק, עם כל זה שרה ראתה ברום הקדש שאני רוצה שביצחק דוקא "יקרא לה זרע" לעגן ירושת הארץ ולא בישמעאל, והיא כמו הוראת שעה, ולכן באה על ידי רום הקדש.

The Holy One, Blessed be He, wanted to leave room for the above dispute of the halachic authorities, of blessed memory, that these words of the ruling of the Rif and these words of the ruling of the Rambam are both words of the Living G-d.³ Thus, He did not say, "do not be distressed over your son or your slave-woman," or "over your slave woman or her

¹ Vidal de Toulouse, 14th Century Spanish rabbi, author of the *Maggid Mishneh*, a commentary on the Rambam's *Mishneh Torah*.

² Gen. 15:18.

³ Eruvin 13b, said about a dispute in which either view can be viewed as valid and true.

son,” rather said simply, “over the boy or your slave-woman.” G-d is essentially telling Abraham, “Even though according to the opinion of the Rambam, it would be possible for [Ishmael] to inherit with Isaac, nevertheless, Sarah saw by Divine inspiration that I want that ‘through Isaac’ specifically ‘that your offspring shall be named,’ with regard to the inheritance of the Land and not Ishmael.” This was like a temporary edict issued in extraordinary circumstances, even though the edict may not be representative of the general *halacha*.⁴ Therefore, [the edict] came by Divine inspiration.

וְזֶהוּ שֶׁאָמְרוּ ז"ל "כֹּל אֲשֶׁר תֹּאמַר אֵלַיךְ שָׂרָה שְׁמַע בְּקוֹלָהּ" לְרוּחַ הַקֹּדֶשׁ שֶׁבָּהּ, דִּמְיִינוּ "כִּי בְּיִצְחָק יִקְרָא לָךְ זָרַע" וְלֹא בְּבָנִים אֲחֵרִים אֲשֶׁר הָיוּ לָךְ. וְעַיִן לְעִיל בְּסֵדֶר הַקְּדוּמִים עַל פְּסוּק "וַתַּעֲנֶה שָׂרִי וַתִּבְרַח" וְכו'.

This is what [the rabbis] of blessed memory in tractate Megillah said regarding G-d's command to Abraham, “whatever Sarah tells you, do as she says,” because of the Divine inspiration in her,⁵ which is that “it is through Isaac that your offspring shall be named,” and not through other children that you have. I.e., the Gemara does not interpret “do whatever Sarah tells you” as a blanket command to Abraham to always listen to his wife, but to certainly listen to her in this instance, where she was speaking through Divine inspiration, even though she was giving a temporary edict that did not necessarily represent normative halacha.

See above in the preceding parasha, Lech Lecha, Essay 22, on the verse, “Then Sarai treated her harshly, and she ran away from her.”⁶

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⁴ For example: Mishnah Parah 7:6, 7:7; Yerushalmi Horayot 1:8; Pesachim 82b; Yoma 69b; Yevamot 35a; Ketubot 15a, 15b; Sanhedrin 78b, 80b; Avodah Zarah 24b; Horayot 6a; Zevachim 108b, 119b; Menachot 50b; Temurah 15b.

⁵ Megillah 14a. I.e., the Gemara does not interpret “do whatever Sarah tells you” to have been a blanket command to Abraham to always listen to his wife, but to certainly listen to her in this instance, where she was speaking through Divine inspiration, even though she was giving a temporary edict that did not necessarily represent normative halacha.

⁶ Gen. 16:6.