

OVERVIEW of the Daf

1) The incident of Tzelafchad's daughters (cont.)

The Gemara tangentially elaborates on the miracle of Yocheved giving birth.

The fact that sometimes Tzelafchad's daughters are listed by age and other times they are listed by wisdom supports R' Ami's ruling that when gathering for Torah matters people are seated according to wisdom but for other gatherings they are seated by age.

R' Ashi qualifies R' Ami's ruling.

D'vei R' Yishmael maintains that Tzelafchad's daughters were equally wise.

R' Yehudah in the name of Rav teaches that Tzelafchad's daughters had the right to marry even outside of their shevet but they were advised to marry people who were fitting for them.

The assumption that Tzelafchad's daughters could marry outside of their shevet is unsuccessfully challenged.

Rava suggests that the source for the Baraisa's statement that only women from the first generation of those who took land in Eretz Yisroel were prohibited from marrying outside of their shevet is derived from the phrase **זה הדבר**.

Rabbah Zuti presents two unsuccessful challenges to Rava's exposition.

2) The *gezeirah shava* **זה הדבר**

In the course of this discussion a *gezeirah shava* is mentioned that works off of the words **זה הדבר**. The Baraisa that records this *gezeirah shava* is cited.

The first part of the Baraisa is explained to teach that three laymen may annul a person's vows.

This ruling is unsuccessfully challenged.

The second part of the Baraisa teaches that a vow of consecration can be annulled.

Another teaching for the phrase **זה הדבר** is presented to account for those who maintain that one cannot annul a vow of consecration.

The Gemara addresses the source that three laymen can annul a vow according to this opinion. ■

REVIEW and Remember

1. How old was Yocheved when she gave birth?

2. What unique prohibition applied only to the generation of those who entered Eretz Yisroel?

3. Who is qualified to sit on a panel to nullify vows?

4. Explain **שאלה בהקדש**.

Distinctive INSIGHT

The order in which the daughters of Tzelafchad appear in the Torah

להלן מנאן הכתוב דרך גדולתן וכאן דרך חכמתן

Rashbam explains that when the Torah tells us that the daughters of Tzelafchad married, it lists each of them (Bamidbar 36:11). We can assume that the order in which they are listed is their birth order, as it is customary that a younger sister not marry before an older one, as we find regarding Lavan, who said (Bereshis 29:26), "Such is not done in our place to marry off the younger before the older." Earlier, when they approached Moshe regarding the issue of inheritance of a daughter when there is no son (Bamidbar 27:1), the order in which they are listed is different (**נעה** and **תרצה** are switched), as there the order is according to their order of wisdom.

Or HaChaim (to Bamidbar 27:1) challenges the approach of Rashbam. There is no indication in either of these verses themselves that the order presented is that of their wisdom or that of their birth order. Furthermore, an earlier verse in Parashas Pinchas (ibid. 26:33) lists these five women as part of the counting of the Jewish nation in the Plains of Moav. There, the verse lists these women in the same order as we find when they approached Moshe, although as they were being counted there is no reason that the context calls for a list arranged according to their relative wisdom or knowledge.

Therefore, Or HaChaim explains our Gemara the reverse of Rashbam's approach. He learns that the verse "**להלן**—over there" refers to the verse at the beginning of the Parsha, where they were counted. In that verse, and when they approached Moshe, we find the women listed according to their birth order. Accordingly, **תרצה** was the youngest. The Gemara here is discussing their getting married, so our Gemara reports that "**כאן**—here," they are listed according to their wisdom (**דרך גדולתן**), with **נעה** being last.

Using this approach of the Or HaChaim, we would have difficulty in understanding the subsequent comment of the Gemara which states that the manner in which the Torah lists the daughters of Tzelafchad supports the view of Rebbe Ami who said that "In an academic setting we follow the order of the wise, in a setting of a wedding we follow the order

(Continued on page 2)

Today's Daf Digest is dedicated
 By the Okner family
 In loving memory of their mother
 Mrs. Anne Okner o.b.m

HALACHAH Highlight

Marrying ahead of an older sister

At banquets we follow age

Sach¹ mentions in the name of Bach that when one is prepared to marry off his sons or daughters he should marry them off in the order of their age rather than prioritizing them by their wisdom. The source of this ruling can be traced back to Tosafos² who writes that derech erez dictates that one should not marry off a younger daughter ahead of an older daughter. Rashbam³ also mentions this idea in our Gemara's discussion of why the Torah sometimes orders the daughters of Tzela'fchad by age and sometimes by their wisdom.

Chasam Sofer⁴ was once asked to rule about a case of a shidduch that was offered for someone's younger daughter while his older daughter was not yet married. Chasam Sofer responded that it is difficult for him to be lenient on the matter since it is a principle mentioned explicitly in the Torah and Rashi. Furthermore, he reports that his rebbi, Rav Nosson Adler, related to him that such a case came before him and he erred in his ruling, therefore, he was unwilling to issue a lenient ruling. Maharsham⁵, however, maintained that this restriction is not a matter of law; it is merely proper derech erez. Therefore, in a circumstance where the younger sister is already engaged and the older sister was already considered "old" it would be permitted for the younger sister to marry

במסיבה הלך אחר זקנה

(Insight...continued from page 1)
of age." According to the approach of Rashbam, the statement of Rebbe Ami reflects the system the Torah uses when it lists the daughters of Tzela'fchad according to their wisdom as they approached Moshe. However, according to Or Ha-Chaim, the order used when they approached Moshe was their birth order, not that of their wisdom. Accordingly, the statement of Rebbe Ami does not reinforce that which was stated in the verse. ■

ahead of her older sister.

Rav Moshe Feinstein⁶ had a novel approach to this issue. He wrote, regarding sons, that there is no restriction against a younger brother marrying ahead of his older brother since the younger brother also has a mitzvah to marry and it is unreasonable that the older brother could restrain his younger brother from marrying. The restriction mentioned in Poskim is limited to where both brothers are engaged and ready to marry and the question is which wedding will be first. In that case derech erez dictates that the older sibling should marry before the younger but if the older sibling is not even engaged it is unreasonable that the younger sibling may not seek a mate simply because his older sibling is not yet married. ■

1. ש"ך ירי"ד סי' רמ"ד ס"יא.
2. תוס' קידושין נ"ב. ד"ה והלכתא.
3. רשב"ם ד"ה להלן.
4. אגרת סופרים סי' כ"ט.
5. שו"ת מהרש"ם ח"ג סי' קל"ו.
6. שו"ת אג"מ אה"ע ח"ב סי' א'.

STORIES Off the Daf

A parent's obligation

להלן מנאן הכתוב דרך גדולתן וכאן דרך חכמתן

A certain man married and had a few daughters, but his wife unfortunately died while they were still young. Eventually, the man remarried and fathered another daughter. He lived to raise her to young womanhood, but then he too unfortunately passed away.

Shortly thereafter, the second wife decided to find a shidduch for her much younger daughter ahead of her older step-daughters. The stepdaughters objected to this move, since they felt it was a public humiliation for them that their youngest sister should marry before

them.

They complained, "Does it not say in the chumash, 'לא יעשה כן במקומינו לתת' — הצעירה לפני הבכירה — Such a thing shall not be done in our place, to give the younger in marriage before the elder?" There can be no doubt that this has always been the accepted custom in our place of residence. What right does she have to try to change accepted custom?"

The stepmother pointed out that in her opinion the verse regarding marrying off the younger before the older did not apply in their situation. The rav they went to for adjudication was unsure how to decide this case, although he suspected that the mother-in-law was correct.

He said, "After all, we learn this from the verse, which is a statement by a father regarding his daughters. Presuma-

bly, it is only relevant to a father. We learn that a father has a moral obligation to marry off his older daughters first, but why should this verse apply if the father has already left the world?"

But when he sent this inquiry to the famous Maharsham, ז"ל, the great scholar agreed with the older daughters. "We see from Rashbam in Bava Basra 120 that you are incorrect. He explains that we know the verse lists the daughters of Tzela'fchad in order of their age since it discusses their marriage. Presumably they married by order of age, since the verse states, 'לא יעשה כן במקומינו לתת הצעירה' — לפני הבכירה." He concluded, "We see clearly from Rashbam that even after the father dies the prohibition remains!"¹

1. שו"ת מהרש"ם, ח"ג, סי' קל"ו. ■